Commentary

Volume Sixty-five, Number Six, June 1978

Imperial Government

Daniel P. Moynihan

Arms and the Saudi Connection

Steven J. Rosen and Haim Shaked

Are Quotas Good for Blacks? / Thomas Sowell

Buggings, Break-Ins & the FBI / James Q. Wilson

The Education of Alfred Kazin / Robert Alter

Reflections and Aphorisms / Walter Benjamin

Meyer Levin's Obsessions / Pearl K. Bell

Books in Review: Herman Belz / Ruth R. Wisse / Mark Falcoff / Seth Cropsey / Suzanne Weaver

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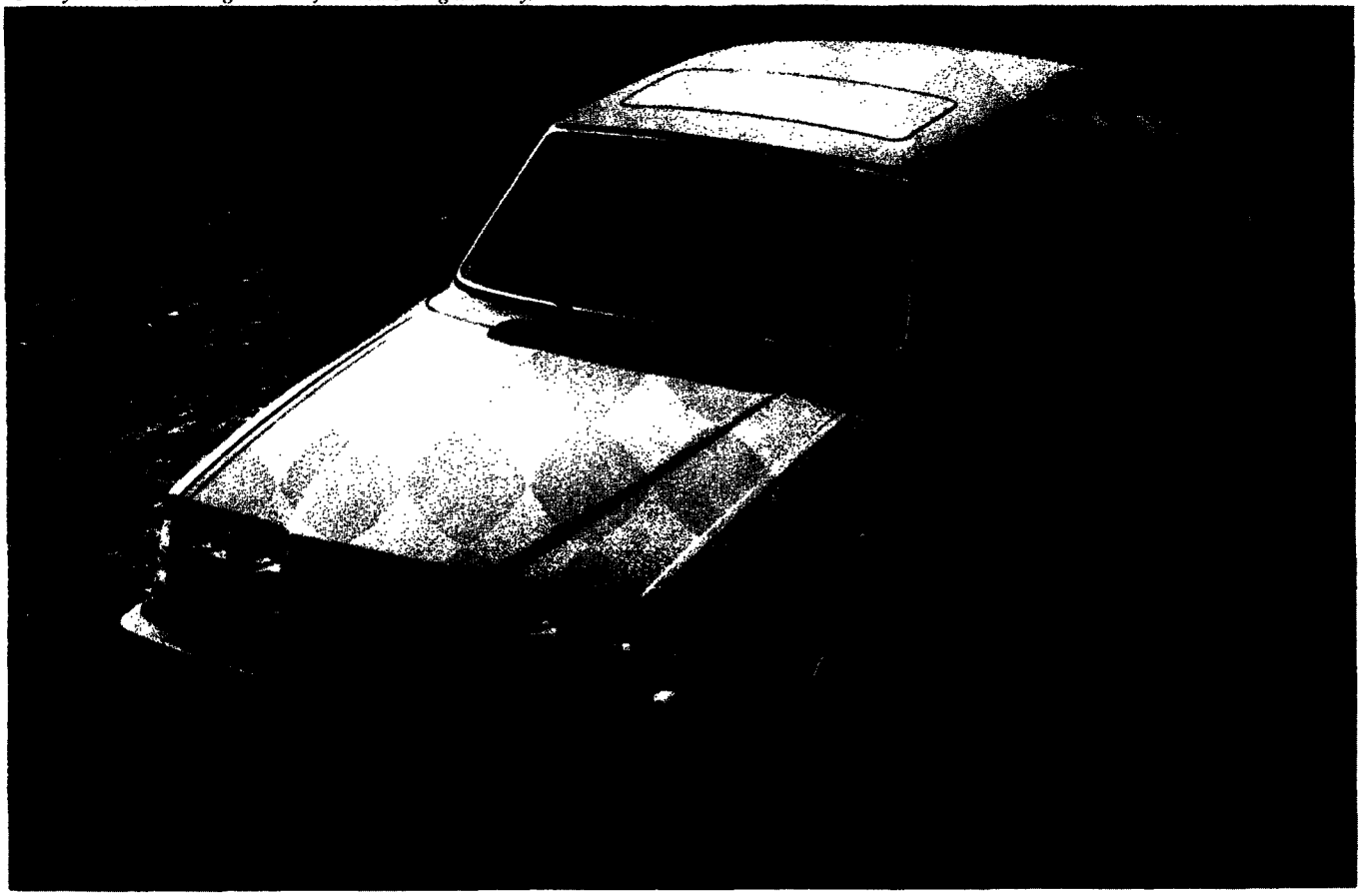

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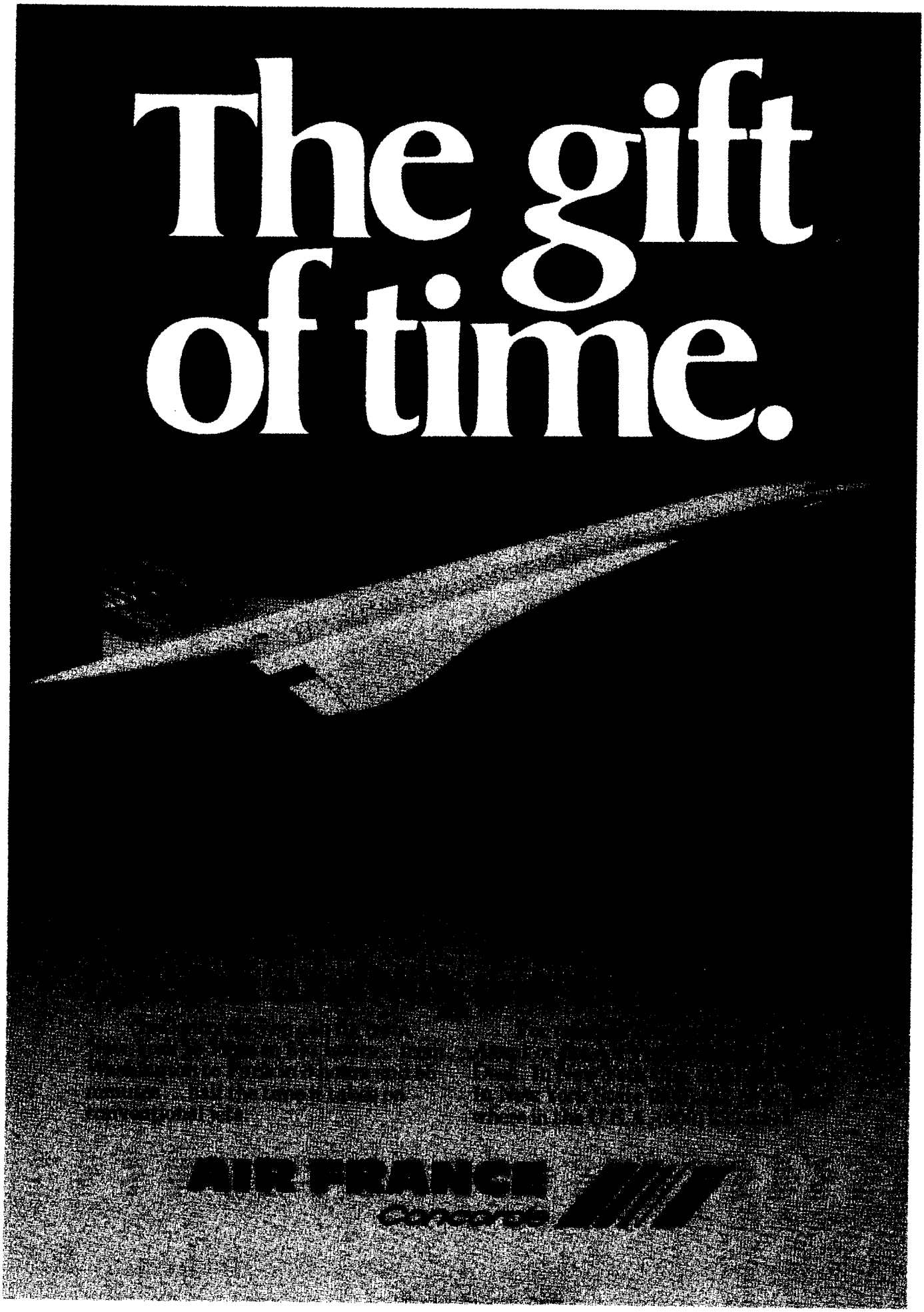

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Commentary

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Cover: The Drawing Board, Inc.

COMMENTARY is published monthly by the American Jewish Committee—Single copy is $2.50, $24 a year; 3 years $64; 5 years $96—Add $4.00 per year for all foreign, including Canada and Latin America—Second class postage paid at New York, N.Y. and at additional mailing offices. Copyright © 1978 by the American Jewish Committee; all rights reserved under International and Pan American Copyright Conventions—Indexed in *Readers' Guide, Book Review Digest, Public Affairs Information Service, Index to Jewish Periodicals, ABC Pol Sci, Historical Abstracts,* and *America: History and Life*—Unsolicited manuscripts must be accompanied by a stamped, self-addressed return envelope.
EDITORIAL & BUSINESS OFFICES: 165 E. 56th St., New York, N.Y. 10022

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Letters from Readers

Capitalism, Socialism, and Democracy

TO THE EDITOR OF COMMENTARY:

The COMMENTARY symposium, "Capitalism, Socialism, and Democracy" [April], is instructive because it illustrates that, as Carl Gershman points out, "too many people seem willing to give up too much too quickly." For example, William Barrett testifies as follows:

> . . . what strikes me as strange is why I should have held on so long and tenaciously to this faith in "democratic socialism." How could we ever have believed that you could deprive human beings of the fundamental right to initiate and engage in their own economic activity without putting every other human right in jeopardy?

Robert Nisbet follows by declaring that totalitarianism is inherent in socialism. He then applauds capitalism for guaranteeing the existence of a private sector.

It seems to me that the comments of Messrs. Barrett and Nisbet are indicative of a tendency among some intellectuals to deny the existence of modern social democracy. Characterized by a mixed economy, political democracy, social legislation, and progressive taxation, social democracy is not capitalist but it does include a private sector. It is, I believe, the most effective system for guaranteeing some degree of equality, freedom, and efficiency. Also important is the fact that social democracy, in its best tradition, is firmly anti-totalitarian.

Indeed, these attributes of social democracy, together with the unfortunate appeal of Eurocommunism, underscore the need for the rebirth of a social-democratic consensus. A commitment by various political wings of the Western intellectual community (social democrats, liberals, perhaps even some conservatives) to genuine social democracy will provide us not only with an effective strategy for the pursuit of social justice, but also with a defense against the "totalitarian temptation."

MARK WEBER

Evansville, Indiana

TO THE EDITOR OF COMMENTARY:

Of capitalism, socialism, and democracy, Peter L. Berger writes, "Intellectuals have kept busy for well over a century redefining [these] three entities," and so they have—usually to advance a position rather than to provide a descriptive definition. Curiously, though, the symposium contributors do not on the whole disagree on the meaning of capitalism, or even of democracy.

Socialism is harder, even, in Charles Frankel's words, "assuming we can give a recognizable content to this increasingly elusive word." Evidently it does not mean state ownership of the means of production, for Bayard Rustin and Sidney Hook write (respectively): "Socialism cannot be reduced to an economic formula, a structure of ownership" and "The emphasis must be placed not so much on the *legal form* of property relations but on the moral ideals. . . ."

I am not asking for mathematical precision, only a rough guide for distinguishing very socialist societies from not-very-socialist societies among the larger modern nations. . . .

Leaving aside the ethereal characterizations (. . . a world of "prideful men and women, with a sense of themselves as members of a community, committed to the general welfare, and capable of acting on that commitment"—Michael Walzer; . . . "a society which seeks the openest possible association of individuals in political and social life; the greatest possible democratization and humanization of work; the highest possible cultivation of personal talents and creativities" . . . —Robert L. Heilbroner) as poetic but lexicographically useless, we do have something like agreement among Kenneth J. Arrow: "An economic system in which the bulk of economic decisions are made in units which are controlled by parts of the state structure or by the workers"; Mr. Berger: a society in which the distribution of scarce commodities and services is governed by acts of political allocation; and Richard Pipes: a society which denies the right of citizens to acquire, hold, and dispose of property. The common theme is state economic control.

By that standard, Nazi Germany seems at least as socialist as Britain or Sweden today: those who would blame Hitler on capitalism had

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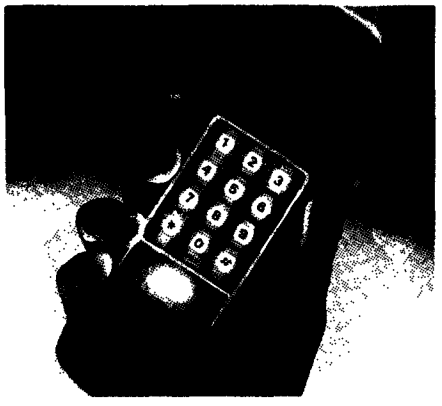

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better come up with an equally concrete definition of socialism that excludes the national variety. (Rich supporters cannot be the disqualification, *pace* Theodore Draper; Milton Friedman points to Frederick Vanderbilt Field and Anita McCormick Blaine. Perhaps something can be made of the fact, adduced by Seymour Martin Lipset, that the Nazis, hated by the Communists, were opportunistic enough to find allies on the Right, unlike the equally hated social democrats.)

If, in fact, state economic control is the touchstone, then every totalitarian society must be socialist: to recognize a limit to state authority is untotalitarian.

The converse, of course, is false. A socialist state may resist totalitarianism, as may, for that matter, a state without free speech. As to whether the freedom lost is too costly, I will not venture to contradict the learned contributors; but most of them grant . . . that one freedom lost makes further losses easier. Not to fall into the deterministic trap of inevitability, does this ease not make such losses more probable? Or will only good people be elected . . . after the revolution?

ROBERTO ALAZAR
Los Angeles, California

TO THE EDITOR OF COMMENTARY:

COMMENTARY is to be congratulated for publishing the symposium on capitalism and socialism and the relation of each to democracy. . . .

Of particular interest to me is the grave concern of many of the "socialists" regarding what might best be termed definitional problems. More than a few, it seems, are intent upon defining socialism out of existence. . . . However, . . . there appears to be no confusion or disagreement about the meaning of capitalism. . . . At any rate, the socialists are definitely on the defensive and uncomfortable in their defense. . . .

Beyond question, I believe, the "capitalists" present the more solid case; clearly theirs is the more consistent and historically informed argument. Particularly devastating to the socialist position is the extent to which some socialists have been driven to resort to the manipulation and obfuscation of historical data to sustain their thesis. . . .

Having said that, however, I must observe that Penn Kemble, a member of the National Committee of Social Democrats, USA, makes an important contribution. . . . The challenge Mr. Kemble casts at the feet of the defenders of capitalism is certainly one that needs to be made, and his understanding of the nature of the "totalitarian temptation" is unusually sound. Capitalists will ignore what he has to say at their peril. Too many capitalist entrepreneurs *are* in the process of betraying both capitalism and freedom; indeed, they are going at it zealously, and the onus is upon the defenders of capitalism to try to put a stop to it. Ultimately, as Mr. Kemble points out, and as others, most notably Solzhenitsyn, have observed, the greatest conflict persists upon a moral plane: to put it as succinctly as possible, the contest is not between capitalism and Communism, or between Communism and democracy, but rather between Communism and the Judeo-Christian ethos. There is nothing in capitalism that renders it immune to the moral danger in question. . . .

Be that as it may, I would put it to Mr. Kemble and his associates that since the problem is rooted in a morally bankrupt materialism, the "totalitarian temptation" is hardly inherent in capitalism *per se* (as he implies). The authors of détente, whom Mr. Kemble adduces to bolster his argument, were not obeying any capitalist imperative. As for those who have used capitalism as a pretext for capitulation, that is what it is, a pretext, not a cause. It is a significant fact, one overlooked by Mr. Kemble, that virtually all of the fellow-travelers and apologists for totalitarianism to be found in the democratic West come from the ranks of the anti-capitalist Left. . . .

NEIL G. BARCLAY
Salt Lake City, Utah

TO THE EDITOR OF COMMENTARY:

Reading Eugene D. Genovese's contribution to the symposium gave me the feeling that I was witnessing the second coming of Karl Marx—and on a very bad day, when his carbuncles were aflame.

I was also reminded of the old master's opening remarks in *The 18th Brumaire of Louis Bonaparte*: ". . . that all great, world-historical facts and personages occur, as it were, twice, . . . the first time as tragedy, the second as farce." . . .

WILLIAM HERRICK
Chatham, New York

TO THE EDITOR OF COMMENTARY:

A good many—though not all—of the contributors to your symposium, "Capitalism, Socialism, and Democracy," confuse socialism and Communism, and actually use the word socialism when they are describing Communism. . . .

I was for many years an active socialist. Socialists define socialism as public ownership and democratic management of the large-scale means of production, distribution, and exchange. . . . There would be in a socialist state varying degrees of democratic management of different industries and perhaps, in different parts of the country, varying interpretations of large-scale means of production, etc.

In other words, socialists want not only to preserve political democracy, but to extend democracy into industry through government ownership and trade-union action. In fact, social democracy is another term for socialism. Communists, on the other hand, destroy democracy and establish by force a one-party dictatorship. . . .

It is asserted by many contributors that capitalism provides freedom because it provides a "free market." But such a free market hardly exists for an unemployed worker, or even a worker in a community where one big company dominates the area. Also, the freedom to engage in certain industries does not really exist where the type of business is dominated by a few oligopolies. Capitalism effectively denies freedom to unemployed workers and to workers who are afraid to complain about their conditions of work for fear of being laid off.

With the exception of Robert Lekachman, most of the contributors completely overlook the fact that what they call democracy is more nearly akin to plutocracy than to the true ideal of one man, one vote, with each man having the same degree of influence on the government and the economy.

Charles E. Lindblom also recognizes this fact when he says: "Capitalism is now a barrier to a more fully developed democracy because it is a system of inequality in the distribution of power."

ALFRED BAKER LEWIS
Riverside, Connecticut

TO THE EDITOR OF COMMENTARY:

As well-conceived and informative as is the exchange of views in the April issue, there is a dimen-

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You Don't Have To Join The Union.

It took nearly seven years, over $150,000, the courage of two prominent American commentators and the expertise of a national legal defense foundation. But an all-important fact was permanently established in a U.S. court last January.

You don't have to be a member of the American Federation of Television and Radio Artists (AFTRA) to hold a job in the broadcasting industry.

So ended the historic legal battle between broadcast commentators William F. Buckley, Jr. and M. Stanton Evans and AFTRA. It did not end easily.

AFTRA first dictated that if Buckley and Evans wished to continue broadcasting, they would have to remain members of the union. Much later in court, AFTRA conceded that it could legally require only fees and not membership. But it continued in the marketplace to compel companies with AFTRA contracts to employ only persons who are members of AFTRA "in good standing."

Finally, on January 16, 1978, AFTRA grudgingly promised to send a notice to all of its Code signatories regarding TV and radio performers that "under prevailing law such persons were not obligated to accept membership in AFTRA."

It was a significant victory for Buckley and Evans (who immediately resigned from AFTRA), for the National Right to Work Legal Defense Foundation, which provided the funds and the legal expertise, and for rights guaranteed by the First Amendment of the U.S. Constitution—freedom of speech and association.

The Buckley-Evans decision is reverberating throughout the broadcasting industry. Most broadcast employers had rigorously enforced AFTRA's contract language that only union *members* may be employed.

Now the truth is out—thanks to two determined commentators who took a stand for freedom and the legal defense foundation that supported them all the way.

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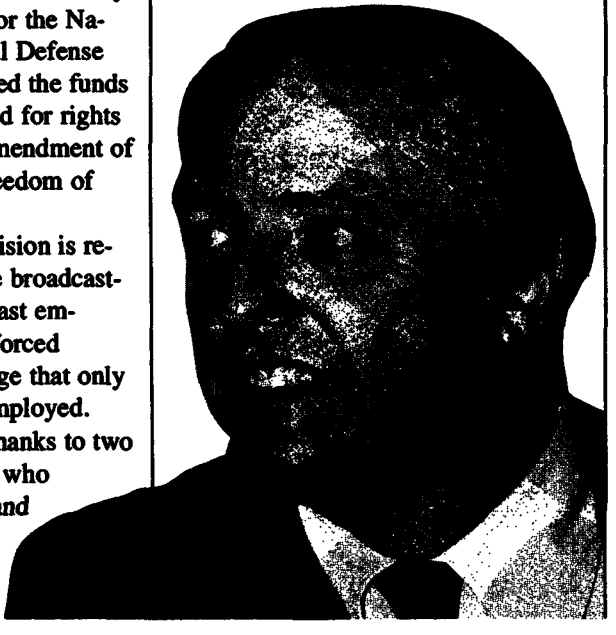

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sion to the question of the chances for survival of democratic socialism which is not given sufficient attention. The discussion ought not to center on whether socialists are closet totalitarians, while capitalists are not, or vice versa. . . . It is of far greater importance to examine whether—given human nature—the promises of socialism can be realized through any methods short of the dictatorial, even if one grants the sincerity of the professed attachment to personal and political liberty of the democratic socialists.

Recent events in the United States and Western Europe have much to teach us here. The willingness of civil servants (and workers in private industry subject to government injunctions) to strike in opposition to even the highest elected representatives of a community to relieve an (imagined or real) economic injustice gives an indication of the confrontations likely to develop in a fully socialized economy. . . .

While it is true that not all socialists promise an egalitarian salary structure in their projections, they all do promise to politicize economic distribution; i.e., to make it rational, structured, and palatable to the community's sense of justice. Pay will be determined, they promise, by some coherent standard—usually an individual's needs or his social contribution. They call for an end to the haphazard distribution of the free market. . . .

Elected socialist leaders, then, will have to explain to the electorate why they reward certain segments of the economy more than they do others—or they will have to pay all workers a near-to-identical salary, which, as the Russian experience indicates, is an unlikely prospect as long as incentives for production remain a concern.

But whatever the decision, the problem will be that everyone will be convinced he ought to be paid more than everyone else. . . . It is difficult to picture a government-determined wage policy which will satisfy this economic discontent. Like it or not, it seems inevitable that a government responsible for the entire economic output of a society will need, and call for, muscle—dictatorial muscle—to enforce its wage determinations. . . .

Considerations of this sort are what led Hilaire Belloc and G. K. Chesterton to prefer, in opposition to the state centralization advocated by George Bernard Shaw and

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the Webbs, a politicization of the economy designed to decentralize property ownership and to maximize opportunities for self-reliance and independence: the seemingly—and unfortunately—lost cause of distributism. In his *The Servile State*, Belloc warned that both socialism and modern capitalism tend to solve their problems by calling for the support of the coercive arm of the state.

JAMES K. FITZPATRICK
Mahopac, New York

TO THE EDITOR OF COMMENTARY:

The twenty-six contributors to the symposium make only a few superficial references to Lenin. But for Lenin, however, the problems stated by the editors could not have been posed. Marxism, by the late 19th century, had been integrated into the Western marketplace of ideas. It was quiescent. Just as revolutionary Christianity soon accommodated itself to Caesarism, so its descendant of the industrial period, also preaching that the meek would inherit the earth, became national trade unionism. . . . After the demise of the Paris Commune in 1871, the major Marxists simply gave up on a revolution starting in the West, probably because they were impressed by the rapidly improving living standards of proletarians in the booming centers of late 19th-century capitalism. In 1877, Marx predicted a revolution in "the formerly impregnable citadel and reserve army of counter-revolution," that is, Russia. . . .

By about 1896, Lenin had begun to write his massive study, *The Development of Capitalism in Russia*, which was designed to prove that Marxism was applicable to a peasant society. This book provided the statistical rationale for *What Is to Be Done?*, a work whose influence has proved to be far more effective than *The Communist Manifesto* or *Capital* in challenging the industrial West. . . .

Practical revolutionary warfare—i.e., Leninism—and not vague theorizing about economics is the heart of the matter when one speaks of the "socialist" challenge to capitalism and democracy. Leninism, not socialism, has successfully unified the former colonial peoples of the world into a swiftly advancing Malthusian army. If the Kremlin appears at this time to be in the vanguard of this global holy war, it is only because the Third World needs advanced military technology. But Moscow itself is very nervous about the long-range aspirations of the ragtag forces it commands.

What we are witnessing, and experiencing, . . . is the long anticipated decline of the West, which Lenin, in a most fortuitous propaganda phrase, equated with the "dying beast of capitalism." By 1907, Lenin had restructured Marxism to fit the needs of the Russian peasants, as he viewed them. His writings of about a decade later expanded "Russian peasant Marxism" to the peasants of the entire world. Lenin joined Nechayevan amorality to the military teachings of Clausewitz. He is the spiritual father of Mao, Castro, Giap, the PLO, the Red Brigades, the current United Nations, and a lot more.

The phenomenon of Eurocommunism or, more accurately, Euro-American Communism, is implicit in the above, since Lenin, after 1919, anticipated this development as an inevitable consequence of liberation from the imperialism of the colonial world.

Capitalism, dependent upon colonial conquest since the 15th century, is engaged in a life and death struggle with national-liberationist anti-Westernism. This is the framework within which the conflict between so-called capitalism and so-called socialism should be discussed. . . .

STANLEY W. PAGE
Department of History
CCNY/CUNY
New York City

TO THE EDITOR OF COMMENTARY:

. . . In the opening statement of the symposium, the editors assert that to a growing number of intellectuals, capitalism seems to be a necessary condition, although not a guarantee, of democracy; whereas a society that makes personal freedoms secondary. . . to the achievement of socialist goals is "ineluctably drawn" toward totalitarianism. By the most generous interpretation, only ten (39 per cent) of the respondents accept this formulation.

I was interested in seeing whether the respondents agreed with Schumpeter's analysis. . . namely, that if one defines democracy as a competitive political process, it is compatible with either capitalism or socialism. As I read the responses, fifteen (58 per cent) disagree with Schumpeter, while elev-

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en (42 per cent) agree with him. . . .

Of course, the problem is more complicated than a matter of definition. Three (12 per cent) of the respondents seem to accept the proposition that the issue of democracy depends upon a prior choice for either capitalism or socialism. A small group of five (20 per cent) deny that the problem is primarily a contest between economic systems, asserting that the controlling issue is one of freedom versus tyranny, or that it must be resolved by a prior political commitment to democratic values and institutions, to which economic considerations are instrumental and subordinate. Nine (34 per cent) appear to be arguing that historical realities and trends require a new theory, or a better theory, which will enable us to realize something called social democracy, market socialism, or democratic socialism. Nine (34 per cent) place the highest value upon liberty, are deeply skeptical of the connection between egalitarian socialism and freedom, and rest their faith in . . . democratizing capitalism. . . .

I conclude from the sampling that a small minority of American intellectuals see the relationship among capitalism, socialism, and democracy as either primarily economic or primarily political (eight, or 32 per cent). The majority (eighteen, or 68 per cent) are almost equally divided between the desirability of democratic socialism and that of liberal-democratic capitalism. . . .

AVERY LEISERSON
Nashville, Tennessee

South Africa

TO THE EDITOR OF COMMENTARY:

Dan Jacobson's essay on South Africa ["Among the South Africans," March] is the most illuminating report on that country I have read for years.

PETER DAVISON
Atlantic Monthly Press
Boston, Massachusetts

TO THE EDITOR OF COMMENTARY:

Dan Jacobson's . . . article troubles me. In the first place, . . . since he is a former South African, many readers may consider him an expert. . . .

Secondly, . . . he appears to be reporting both facts and impressions, although it is not clear where impressions (and associated variables such as old biases, selective perception, and ideology) leave off and facts take over. . . .

I could, in a pedantic manner, indicate all the errors, distortions, and misleading innuendos in his essay—about a dozen major ones and many minor ones—but that would be a dull, nonproductive, and perhaps futile exercise. I have found that when discussing South Africa, white liberals, both in South Africa and in the United States, tend to apoplexy or irrationality and do not wish to be confused with facts.

However, I do think that Mr. Jacobson's report calls for at least a partial clarification. The old chestnut that the Afrikaner's "avowedly racist ideology . . . owed at least some of its inspiration to Nazi Germany" is dragged out early in the article and essentially reiterated more forcibly later. Another former South African, Brian Bunting, wrote an entire book on this theme, *The Rise of the South African Reich*, in which he tried to convince his readers of innumerable parallels between Hitler's *Mein Kampf* and the platform of Dr. Daniel F. Malan's "Purified" National party. . . . It is not a convincing book unless one does not know South African history. In that case, the "evidence" in the hands of a good and clever writer like Bunting is "overwhelming."

But what are the facts? During the 1930's anti-Semitism and strenuous efforts to restrict Jewish immigration were not uncommon. . . . It is also true that Dr. Hans van Rensburg, leader of the Ossawa-Brandwag, and men like Oswald Pirow tried to sabotage South Africa's war effort on the side of the Allies. Furthermore, some of their supporters not only were anti-Semitic but they hoped Germany would bring England to its knees. Many Afrikaners believed that a German victory was imminent during the first two or three years of the war and that it would make possible the establishment of a Christian South African Republic. . . . The present Prime Minister, John B. Vorster, and General Hendrick van den Bergh, the present chief of the Bureau of State Security, also tried to sabotage South Africa's entry into World War II and its continued

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If you have an older car that still needs an annual tune-up, what should it include? There are some basic things to be checked: spark plugs, points, condensers, idling speed, and drive belts. It can't hurt to check the air cleaner and fuel filter, tire pressure, and brake fluid, either. And when you do take your car in for a tune-up, don't be shy. Find out exactly what you need and what you're getting for your money.

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participation in that war; both were imprisoned by General Jan Christian Smuts.

But for many, if not most, of the Afrikaners who were anti-British, it was more a case of "the enemy of my enemy is my friend" than an approval of Nazism. What is also true is that South Africa's all-volunteer army fought against Hitler's forces and, early in the war, directly against those of . . . Mussolini (it liberated Ethiopia, among other things) for six long years. The record shows that the majority of the South African volunteers were Afrikaners and presumably members or future members of Malan's National party.

Mr. Jacobson rightly points out that the South African press is free to criticize and attack government policy and programs when it sees fit to do so. I might add that with most South African newspapers, this is almost a daily occurrence. But then Mr. Jacobson states that journalists run considerable risks and, among others, cites the case of Donald Woods, the former editor of the East London *Daily Dispatch* who is now in exile. . . . As a former regular reader of Mr. Woods's speeches, editorials, and articles, I must state that he is an excellent, albeit biased, writer. With or without provocation, he never failed to dip his pen in vitriol and, with consummate skill, to condemn, ridicule, or accuse the South African government and its leaders. His writings would not have been tolerated in most countries of the world, and in none of those in Africa except in the Republic of South Africa. In virtually all African countries, his unrelenting brand of anti-government journalism and other anti-government activities would have guaranteed him expulsion at best, and, at worst, imprisonment without trial and probably liquidation, also without benefit of trial by a "jury of his peers."

To turn to other matters, Mr. Jacobson calls BophutoTswana "overpopulated, overgrazed, eroded, and disease-ridden." . . . But huge areas of the African continent are in the same condition. Here I am not only alluding to the Sahel—an area almost twice the size of the continental United States—where famine, malnutrition, misery, and death are continuing, inexorable, and apparently insoluble phenomena. What Mr. Jacobson fails to mention about BophutoTswana is that that new little country has a remarkable leader, . . . Lucas M. Mangope, an honest, courageous, and highly intelligent black man. He is doing, and will continue to do, a great deal for his people. Furthermore, the white South African government is spending many millions of dollars to help provide an infrastructure of modern medical and other services for the various homelands or Bantustans. In view of this, Mr. Jacobson's comment about "disease-ridden" is rather puzzling.

In closing, I wish to add that during my more than four years of university teaching and sociological research in South Africa, I had many contacts with Afrikaners and with Jews, but few meaningful ones with English-speaking white South Africans. . . . Furthermore, . . . although I heard some liberal Jews (and all young Jewish radicals) and many English-speaking white South Africans of all ages make derogatory statements about Afrikaners, I never heard an Afrikaner utter a single anti-Semitic remark. Which is more than one can say for Englishmen in general, and for English-speaking white South Africans.

JOSEPH ANDRIOLA
San Diego, California

DAN JACOBSON writes:

When I mentioned the relationship between Nazism and the ideology of the Afrikaner Nationalist party of thirty and forty years ago, my remark was not based on such things as Brian Bunting's tendentious little book, or on a reckoning up of anti-Semitic utterances made in my presence. (Incidentally, I have overheard such utterances on many occasions from both English-speaking and Afrikaans-speaking South Africans. So what? Joseph Andriola, sociologist though he claims to be, appears incapable of understanding the terms in which it is appropriate to discuss an ideological issue.) Nor was my remark based solely on the attitude of the Nationalist party to the Jews, as Mr. Andriola quite gratuitously seems to imply; or upon the biographies of some leading members of the Nationalist party, illuminating though they are in this respect. The point I specifically made was that it was the party's ideological preoccupation with, and revulsion from, any form of racial "mixing"—political, social, and sexual—which betrayed the influence of Nazi thinking; and on that point Mr. Andriola has precisely nothing to say.

However, one would never guess from reading his effusion that so far from dwelling upon the connection between Nazi ideology and the Nationalist party of today, I actually drew the reader's attention to the efforts that the leaders of the party are making to jettison the avowedly racist aspects of its tradition. But then, for one who threatens us with pedantic exactitudes, Mr. Andriola turns out to be a remarkably slack and inattentive reader. I did not say that BophutoTswana is "overpopulated, overgrazed, eroded, and disease-ridden." I used that phrase about the Transkei—quite accurately. (In my opinion BophutoTswana is not a "country" at all, for reasons which I made clear; but that is another issue.) I *did* explicitly make a favorable comparison between the position of the South African press, parliament, and judiciary with conditions elsewhere on the continent; so Mr. Andriola's huffing and puffing on that score is not strictly necessary.

I greatly appreciate Peter Davison's comment on the article.

The Begin Initiative

TO THE EDITOR OF COMMENTARY:

The widespread belief that Anwar Sadat's November journey to Jerusalem was his own initiative is reinforced, in passing, by Walter Laqueur in "The World & President Carter" [February].

Prime Minister Menachem Begin, to date, has been magnanimous in permitting this notion to circulate as current political myth. His conduct, however, has been criticized in Israel by Samuel Katz, Mr. Begin's former information adviser who resigned earlier this year. Mr. Katz, though in disagreement with Mr. Begin's peace plan, nevertheless considers it an error to allow the world to assume that the breaking of the psychological barrier between Egypt and Israel resulted from Sadat's largesse.

In the Israeli newspaper *Ma'ariv* (March 8) Mr. Katz confirms, it appears, that the concession of the whole of Sinai excepting the Rafah Salient and the recognition of the 1906 international boundary were proposed by Mr. Begin to Rumania's Nikolai Ceausescu well prior to the supposed Sadat initiative. In

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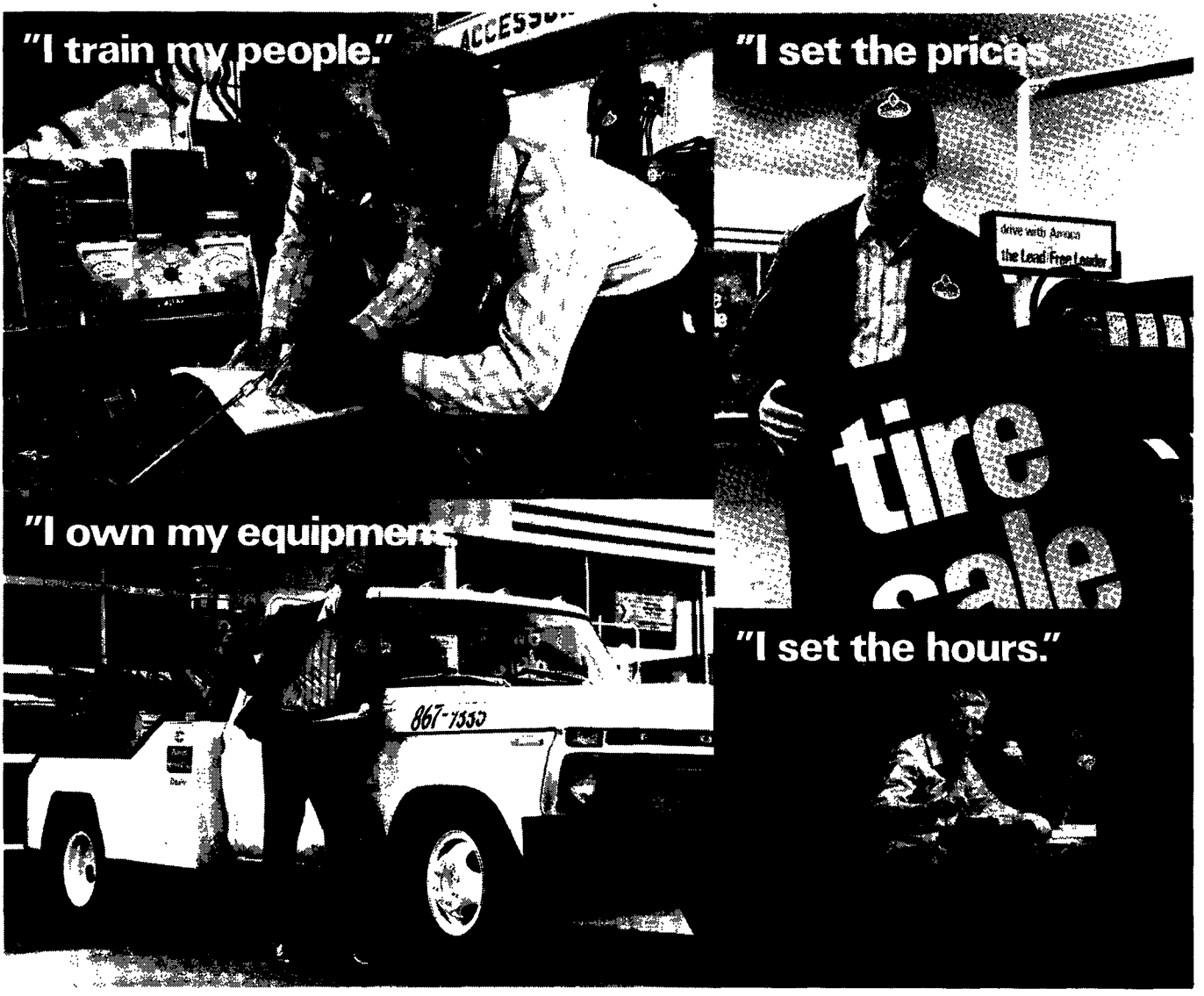

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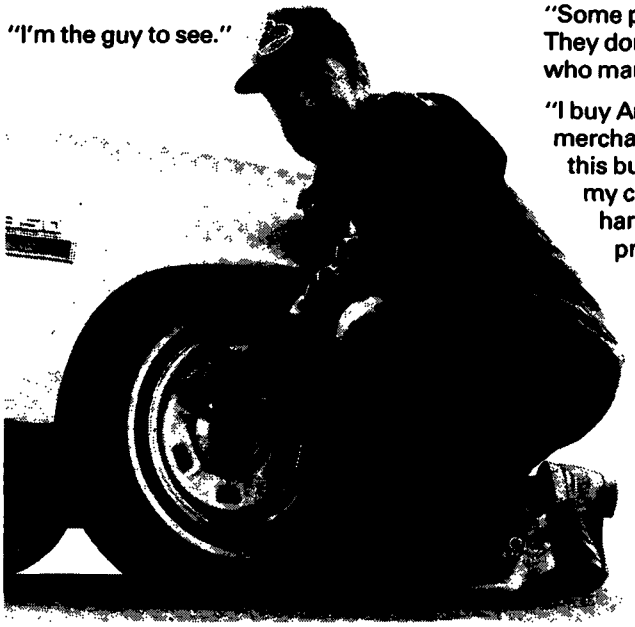

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fact, these proposals were the Begin initiative which enabled Sadat to come to Jerusalem. Mr. Katz also seems to corroborate the existence of two secret meetings conducted by Foreign Minister Dayan with Egyptian officials in Morocco. These, too, preceded Sadat's trip.

Further supportive evidence is to be found in Mr. Begin's speech delivered at the Herut National Convention in January 1977. The speech was totally ignored by most political observers, but in it Mr. Begin stated quite plainly: "The Likud government will take a peace initiative. . . . We shall ask a friendly government, which has regular diplomatic relations with Israel and our neighbors, to transmit our proposal for starting negotiations for peace treaties. . . ."

Whatever the future progress of those negotiations, or the present image of Israel under Mr. Begin's leadership, and whether one supports Mr. Begin or opposes him for either giving up too much or too little, the authorship of the peace initiative should be correctly assigned.

YISRAEL MEDAD
Jerusalem, Israel

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Two Worlds

TO THE EDITOR OF COMMENTARY:

Robert Alter, in his perceptive "Modernism, the Germans & the Jews" [March] . . . makes some important distinctions among the three categories mentioned in his title. There is, perhaps, one more that could be tried—namely, a category of creativeness (and fate). . . .

I refer to those German Jewish individuals who with a measure of inner certainty, considerable strength, and much balance, and not without the necessary shot of modernism, seemed to have lived in both worlds (i.e., in all three) while consciously considering and stating the issues involved.

A tentative list would include Gabriel Riesser, vice president of the Frankfurt Parliament, 1848, as a writer and thinker; Berthold Auerbach, the author of the single most popular German short story (*"Barfüssele"*) and publicist of Jewish problems; and the sensitive Moritz Heimann, poet and editor, for whom the magnetism of two cultural worlds was as natural a phenomenon as the motion of planets obeying two centers of gravity (the image is his).

These figures are not without recognition in both worlds—and they need fresh study and evaluation. Even Martin Buber may partially belong here; his solemn German rendering of the Hebrew Bible and the hasidic tales is resonant only in one linguistic medium, and unthinkable without Stefan George.

HENRY A. FISCHEL
Department of Near Eastern Languages and Literatures
Indiana University
Bloomington, Indiana

Vietnam

TO THE EDITOR OF COMMENTARY:

Guenter Lewy's article, "Vietnam: New Light on the Question of American Guilt" [February], is the first comprehensive analysis refuting the bizarre allegations of the anti-Vietnam war extremists to appear in a major popular American journal. . . . I venture to suggest

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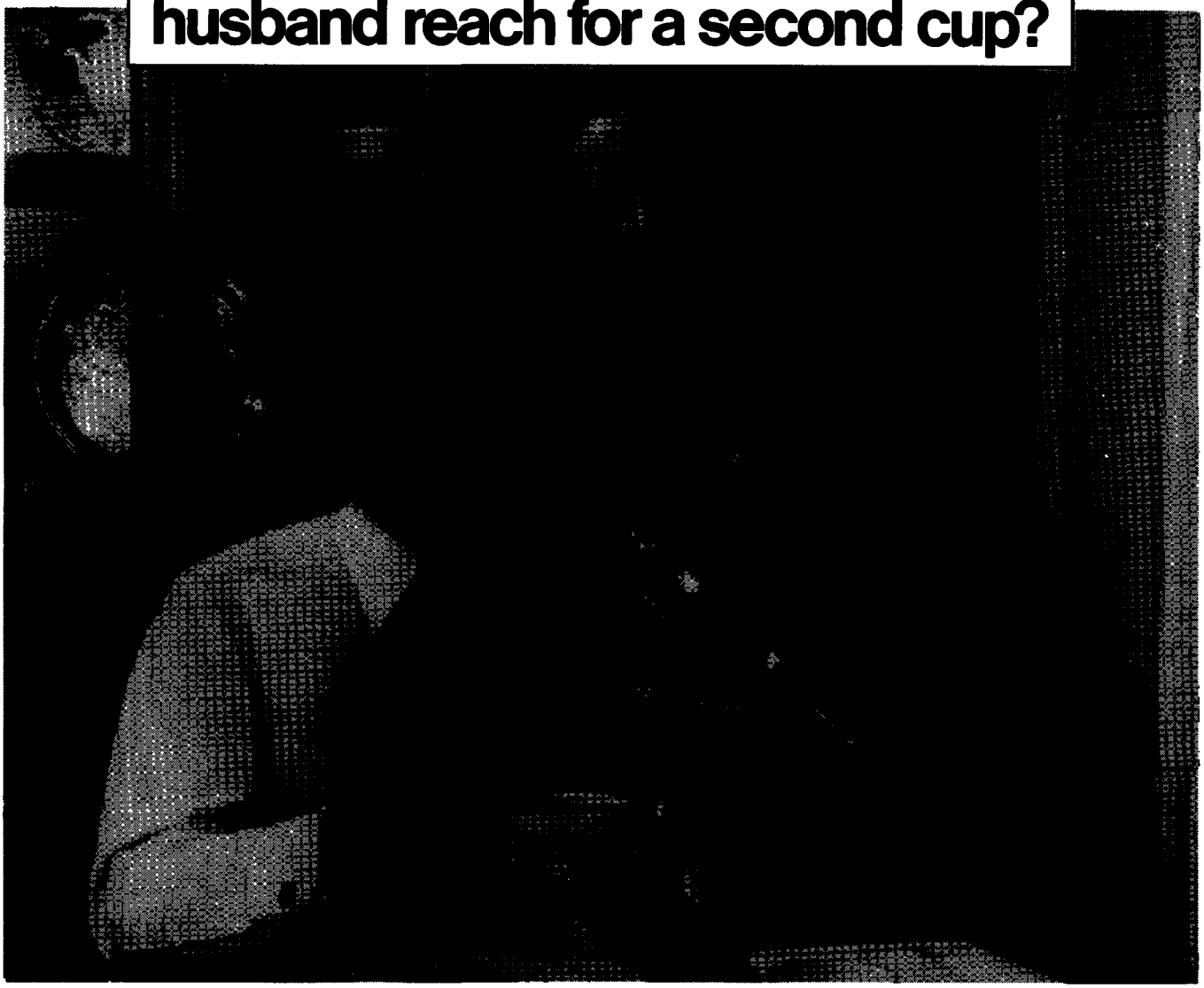

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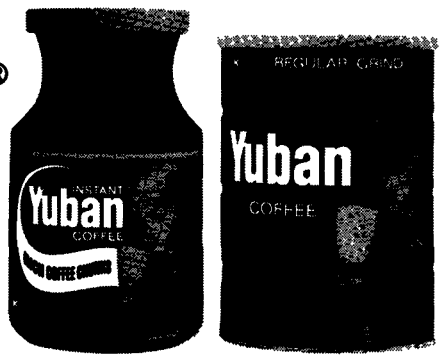

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that the thanks of sane citizens everywhere in America are due to Mr. Lewy and to COMMENTARY. What is remarkable in the whole Vietnam episode. . . . is that the anti-war extremists achieved so much damage to the United States . . . when, as Mr. Lewy shows, in many instances rational or documentary support for their position never existed.

I do not include those who, for various tenable reasons, opposed the war. As John P. Roche expressed it in a recent issue of *TV Guide*:

> Now there was nothing un-American, unconstitutional, or illegal about peacefully opposing the war. Some good friends of mine were pacifists who oppose all wars; some were hard-boiled pragmatists who, while anti-totalitarian, argued that the war was a mistake, fought at too high a cost in the wrong place against the wrong enemy. They were honorable people with whom one could disagree within the democratic context. But it was not this body of adversaries that dominated the tube. It was the phoney adversary culture led by "the kids" (who were not kids) . . . .

No, those anti-war activists were not kids, although the totally one-sided early campus teach-ins provided initial sources and stimuli for the anti-war movement. The anti-war activists . . . sought out every argument, canard, and distortion concerning United States involvement in Vietnam, alleging American guilt, and rejecting—indeed, refusing even to listen to—factually grounded argument. They believed anything, proclaimed anything, disseminated anything, provided only that it emanated from Hanoi or otherwise smeared America. . . .

Here is a representative passage, taken from the final column in the New York *Times* by Sydney H. Schanberg, who was covering American withdrawal from Cambodia. Should it embarrass Mr. Schanberg and the New York *Times*, in view of subsequent events in Cambodia, to read these statements now? Of great significance, of course, is the absence of any factual basis for these speculations in the first place and at the time:

> INDOCHINA WITHOUT AMERICANS: FOR MOST, A BETTER LIFE
> . . . It's hard to declare that the Americans had good intentions in Cambodia—though some individual Americans did—because from the beginning, by Washington's own admission, its policy had nothing to do with Cambodians . . . it is difficult to imagine how their [ordinary Cambodians'] lives could be anything but better with the Americans gone. For the American presence meant war to them, not paternal colonialism. The Americans brought them planes and napalm and B-52 raids, not schools and roads and medical programs.
>
> This is not to say that the Communist-backed governments which will replace the American clients can be expected to be benevolent . . . wars nourish brutality . . . but it would be tendentious to forecast such abnormal behavior as a national policy under a Communist government once the war is over. . . .

As we are learning, the subsequent Communist takeover in Cambodia, like Communist killing businesses everywhere, has proceeded in a bloodbath of brutality and viciousness beside which American operations appear mild and indulgent. Where is the outrage, comparable to that generated when U.S. forces entered Cambodia briefly, and circumspectly, for impeccable reasons? Where are the denouncers now?. . .

What happened to Schanberg? Anthony Lewis, another who rarely delivered an accurate statement about the Vietnam war, praised Schanberg profusely, and the New York *Times* nominated him for the Pulitzer Prize for his Cambodian coverage. What's more, the Prize was awarded to him.

The moral denouncers had a runaway feast. . . . They launched their denunciations of America and continued without letup. . . . So much of the media coverage of extremists was itself extremist. In weighing the arguments, pro and con, should it carry no significance that it was the anti-war side which embraced the anarchists, the nihilists, the anti-democrats, the admirers of the totalitarians, the irrationals, the hopelessly biased, the one-sided, the trashers, the SDS, the Weathermen? . . .

It is difficult to recall how sick and how pervasive that ideology became in American media and intellectual worlds. At that time, in any Ivy League faculty club, for instance, to be overheard defending the Vietnam war was to be instantly ostracized. . . .

One of the great distortions

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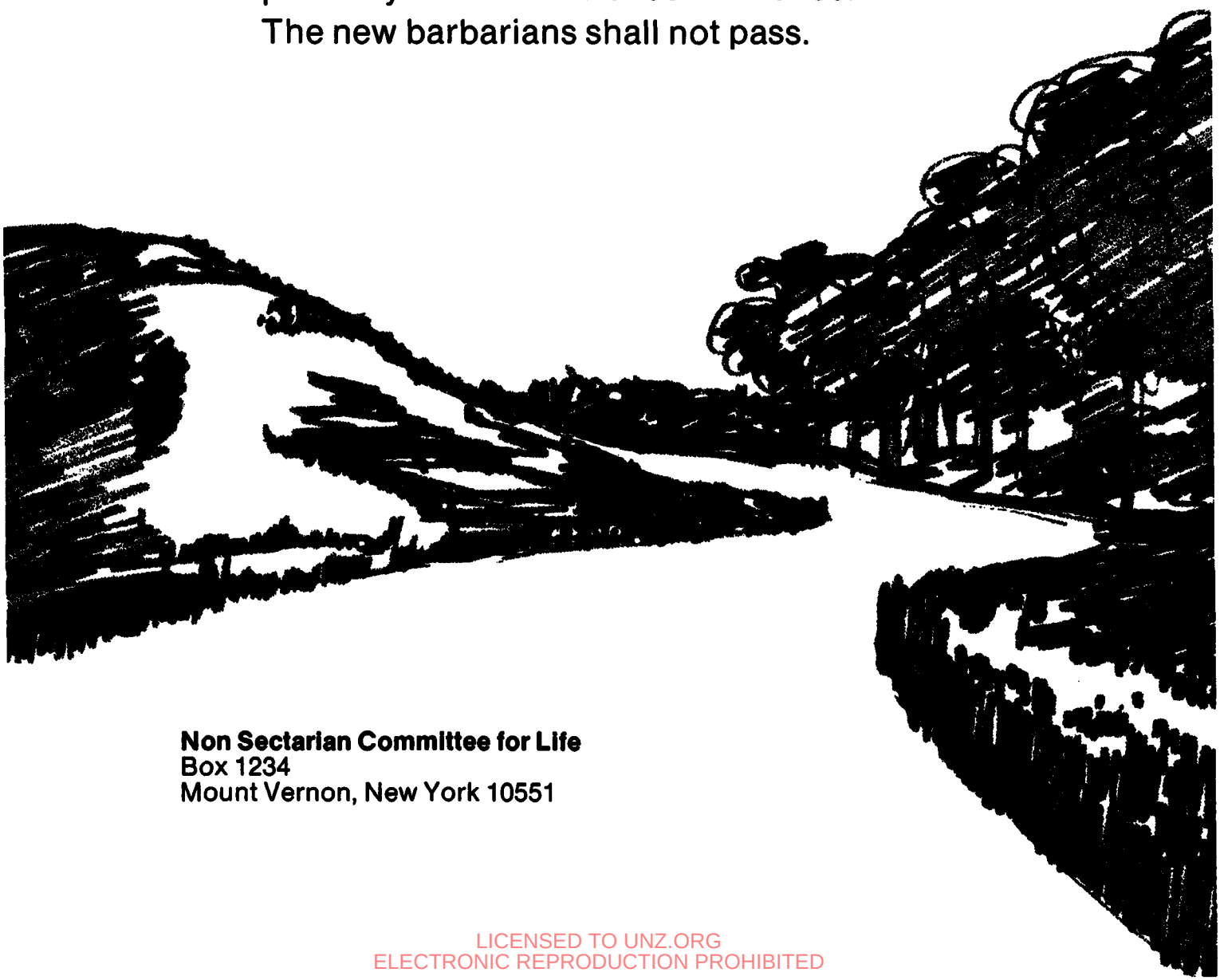
ILS NE PASSERONT PAS

The clouds of a new Verdun overshadow Western man. The abortionists and their anarchist cohorts seek to destroy the standards of conduct which have placed man at the summit of creation.

A century that began by destroying a generation of its finest in the name of politics, may end by killing its very posterity in the name of convenience.

The new barbarians shall not pass.



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effectively disseminated was that the American forces, despite their alleged "war crimes," "genocidal tendencies," etc., were ineffective and lost the war. In reality, despite the usual difficulties of war against dedicated terrorists, despite numerous official restraints and unofficial subversions, the American army fought magnificently (as did the navy, air force, and marines), in harmony with the rules of war. Our forces were withdrawn, not defeated. They accomplished what they were sent to do. Why does the American public not know this?

Now, Peter Braestrup, in his recent two-volume work, *Big Story*, has thoroughly documented how the media told the story of Tet 1968, the watershed of the war, upside down and backward, overwhelmingly wrong. The wrongness was spread and became fixed as the true account. But when the facts became available in subsequent weeks, making it crystal clear that the early reports were wrong, the TV and the print agencies refused to correct their accounts.

The results have been that highly distorted accounts have been accepted since, as bases for postwar American foreign policy. Those accounts have still not been corrected except by a handful of scrupulous writers such as Messrs. Braestrup and Lewy. It should arouse anxiety among Americans that public understanding of major events can be so thoroughly distorted as to force American leadership to proceed as though the world were other than it is. Guenter Lewy's account is a splendid beginning at correcting many prevailing myths about the Vietnam war.

ANTHONY L. WERMUTH
Carlisle, Pennsylvania

GUENTER LEWY writes:

I agree with almost all of Anthony L. Wermuth's letter. But I think it is only partially correct to state that American armed forces in Vietnam did not lose the war. The hard fact is that the United States did not achieve its key objective—the maintenance of an independent South Vietnam. To be sure, the final battle in 1975 was lost by the South Vietnamese, but they had been equipped and trained by the U.S. during twenty long years. Why, then, did they collapse so ignominiously?

Back in 1962, President Kennedy said that the infiltration of Communist cadres from the North provided a built-in excuse for any failure of American and South Vietnamese forces in the South. In the same way, the collapse of the South Vietnamese army in 1975 created a temptation to attribute defeat to the strength of the well-equipped northern divisions who confronted an opponent seriously weakened by reductions in U.S. aid imposed by a war-weary Congress in 1973 and 1974. But this is probably not the entire story; inadequate leadership and training and a failure of morale and will may have been more damaging to the South Vietnamese cause than shortages in equipment and ammunition. A more complete explanation of the fall of South Vietnam would also have to attend to certain fundamental characteristics of the American way of war which we taught the South Vietnamese.

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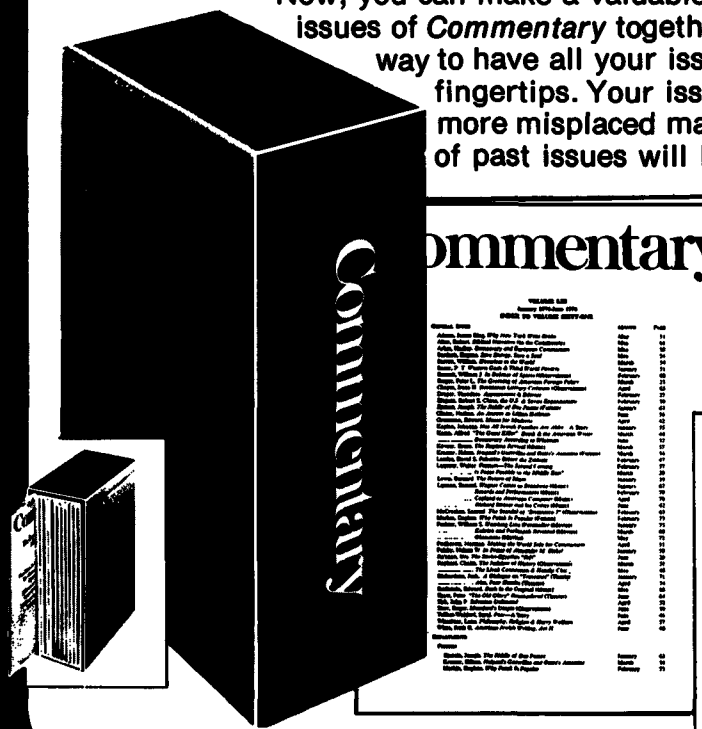

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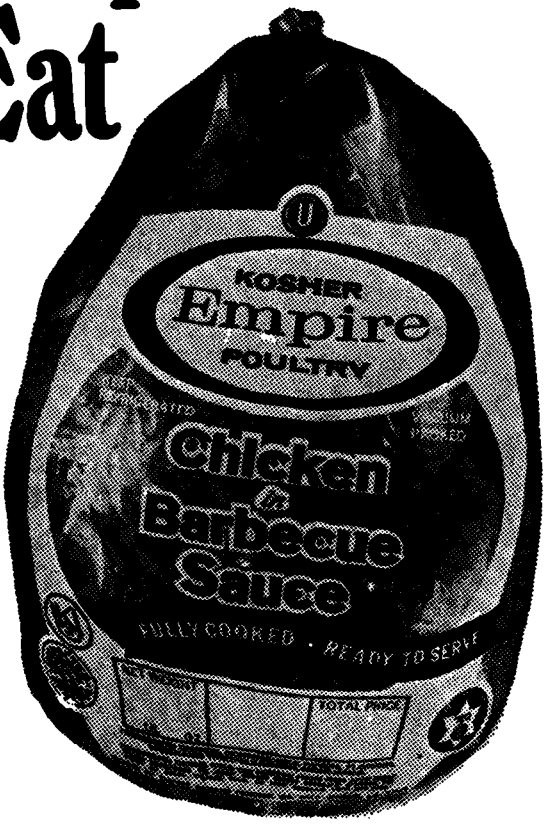

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Business and the rational mind, Part IV

Liberals, logical allies of business•The snobbery factor•A plea for independent thinking

We cannot, for the life of us, understand why so many liberals in this country are so hostile to private business, when in our opinion they should be working with business to achieve what should be their basic objectives.

Liberals have been among the prime movers in the enactment of much of this country's social legislation—Aid to Dependent Children, Social Security, housing for the poor and the elderly, school lunches, and other programs. All of these programs have to be financed by revenues derived mainly from taxes on individual and corporate income.

The greater these incomes—which is to say, the more prosperous American business is—the greater the tax revenues. When incomes drop, as in a recession, so do tax revenues. Social programs then have to be reduced accordingly or supported by deficit financing, which over any extended period means inflation. For the poor and for people living on fixed incomes, inflation is the cruelest tyranny of all.

It therefore would seem to us that in all logic liberals should be as pro-business as they are pro-social progress. And we believe many more of them would be if it were not so fashionable intellectually to be part of the "trendy left." Too many of them respond unthinkingly to social and academic pressures rather than engaging in clear, independent analysis.

Part of the problem appears to be snobbery, pure and simple. To many of what might be called the professional liberals, business—indeed, our whole industrial society—is impossibly vulgar. To some it is esthetically offensive. And because business can prosper only by serving the masses of people, some consider it unbearably plebeian.

Yet one of the continuing threads in the mainstream of liberal thought has long been a dedication to the democratic process and to the right of the masses of people to make their voice heard—and heard effectively. If people stop buying a company's goods or services on any large scale—or just make a credible threat to stop—that company's management tends to listen, and listen attentively. But if you think government is anywhere near as responsive, just recall your last encounter with your City Hall, or your maddening correspondence with a government agency.

Government can become so pervasive that it becomes virtually impossible for the citizenry to turn it around and change its course; indeed, ours may already have become so. But it's doubtful that business could ever get so big or so unresponsive, because it is subject to reaction in the marketplace and to public opinion generally, and to legislation that can curb an entire industry overnight.

What should be a tip-off to any thinking liberal is that an anti-business posture, complete with the cliches that too often substitute for thinking, is mandatory in many liberal circles and is not to be subjected to rigorous intellectual examination. It is a knee-jerk reaction, arising largely from conditions that ceased to exist many years ago and to some that never existed at all.

Lionel Trilling wrote: "It has for some time seemed to me that a criticism which has at heart the interest of liberalism might find its most useful work not in confirming liberalism in its sense of self-righteousness but rather in putting under some degree of pressure the liberal ideas and assumptions of the times." (*The Liberal Imagination: Essays on Literature and Society,* Charles Scribner's Sons, 1976.)

We find puzzling the extent to which liberals often seem impelled to weaken the economic structure on which not just social progress, but indeed our national livelihood depends. To them we suggest the following, oversimplified but nevertheless pointing up the heart of the matter:

Without adequate profits, no businesses.

Without businesses, no jobs.

Without jobs, no social programs.

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Imperial Government

Daniel P. Moynihan

THE question of size and of effectiveness in American government is beginning to take on aspects of constitutional as against merely political debate. For the better part of a century now, those who have objected to the size of government, especially the national government, have typically been objecting to the new functions the government was seeking to carry out. There was always, that is, a not especially well hidden agenda in the objection to government growth as such. Of late, however, we encounter the argument that government growth has not added to the effectiveness of government, but may even have impeded it. The question appears even where it is not directly posed. Thus, a year after the inauguration of President Jimmy Carter the nation was awash with wonder that so much was being attempted and seemingly so little achieved. At first, political explanations were put forward for this, principally that the President's difficulties were of his own making. But then, with increasing frequency, commentators began asking whether the more important explanation was perhaps to be found in the way our government at present works, or does not work. It is a matter that deserves inquiry.

Further, to the degree that we are dealing with a question of constitutional dimension, it deserves inquiry carried forward in the spirit of the framers of the Constitution, which was very much a scientific spirit.

The establishment of the American government in the latter part of the 18th century was a distinctive event in many ways, but in none more than the belief of those involved that they were acting upon scientific principles. These included principles of political science which was seen as a branch of an essentally unified science. Hamilton noted, in the ninth *Federalist* paper, that previous republics had had such stormy histories that republicanism had admittedly fallen somewhat into disrepute. This tendency, however, could be overcome thanks to progress in political science:

> The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients.

Hamilton went on to cite, as examples of "new discoveries," the various constitutional institutions with which we are now familiar: separation of powers, the system of checks and balances, popular representation in the legislature, the independent judiciary, and so on.

Whatever the impression, American government has maintained this early disposition. American political science has for the most part been a pragmatic discipline while American political scientists have not always been impractical men. The sixth president of the American Political Science Association became the twenty-eighth President of the United States. The profession continues in the service of government largely conceived.

It is in order, then, to expect that there should now be forthcoming a considerable effort to diagnose what so many consider to be the sickness of government in our time, a sickness associated with grossness, with the proposition that government is too big and doesn't work.

Within the federal government (and probably at other levels also) developments now several generations old have caused the executive branch to become greatly enlarged, and, apparently in consequence, to function with greater difficulty. These developments have more recently appeared in the legislative branch, which commences to have similar difficulties. And they are now beginning to appear within the judiciary as well, where, it may be forecast, the same difficulties will also shortly appear.

IN THE effort to understand this process, a good place to begin is with the familiar notion that by creating three branches and a system of checks and balances which enabled each to impede the functioning of the others, the

DANIEL P. MOYNIHAN, the junior Senator from New York, is a long-time contributor to COMMENTARY. The present article, in somewhat different form, was delivered as the Lehman Memorial Lecture at Herbert H. Lehman College of the City University of New York this past March. Senator Moynihan wishes to acknowledge the assistance of Charles Horner in the preparation of the lecture.

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framers of the Constitution built conflict into the American system. They thought it was inevitable, and on the whole desirable. If they had a disposition, it was for more, not less.

This was a bold idea then and it remains a bold idea today. Most governing systems assume an inherent and ever more manifest harmony of interests and compatibility of behavior. Marxists, for example, presumably still await the withering away of a conflict-free Soviet state. As we look at the experience of the two systems of government, those who devised the American one surely emerge as men who knew more about what the world is really like. Or, alternatively, who were more honest about it.

In that same spirit of realism, James Q. Wilson—the political scientist of our generation who has most usefully studied bureaucracy in its various adversarial modes—holds that organizations come to resemble the organizations they are in conflict with. If one football team begins using offensive and defensive squads, its opponents will soon be doing so too. The German sociologist Georg Simmel pointed out in the early years of the century that organizations in conflict may *wish* their opponents to resemble them, even, surprisingly, in the degree of their power. Elaborating on Simmel, Lewis Coser writes:

> If . . . there exists a rough balance of power, as in pluralistic, multi-group societies, the more strongly organized adversary may actually prefer that the weaker not fight with "unconventional weapons" (corresponding to a different organizational structure), but use weapons similar to his own, making it possible to fight according to comparable rules.

This insight clarifies many otherwise inexplicable phenomena, as in labor relations where after a certain point big employers clearly preferred to deal with big unions; or, conversely, where early on Samuel Gompers, seeking to organize American workers, encouraged employers to organize as well.

The applicability of this theory—which might be called the Iron Law of Emulation—to American government is clear. We may put it thus: whenever any branch of the government acquires a new technique which enhances its power in relation to the other branches, that technique will soon be adopted by those other branches as well.

Consider the Bureau of the Budget (now called the Office of Management and Budget), which was established in 1921. The Bureau of the Budget gave the President an enormous advantage over the Congress. In this all-important function of government, the President had a unified, centralized command as against a dispersed and often internally divided congressional force. Congress sustained defeat after defeat as successive Presidents raised federal expenditures to ever new heights. Interestingly, it was only when the time came that Congress for once wished to spend more money than the President—which is to say during the impoundment controversy with President Nixon in 1973-74—that Congress created a Congressional Budget Office of its own, and a rough equivalence of competence with respect to the techniques of fiscal management and disputation was achieved.

It might have been supposed that the executive would have resisted this, but the evidence (confirming Simmel) is otherwise. The executive seems almost to have welcomed the appearance at the other end of Pennsylvania Avenue of an organization similar to its own with which to conduct the annual Battle of the Budget. We can assume that at OMB it is much more agreeable to be dealing with officials at the CBO who know what the GNP deflator for the last fiscal year is, and who care.

This migration of technique from the executive to the legislative has been going on from the beginning of the 20th century. Further thought would likely produce a more respectable taxonomy, but present purposes will be served by a list that begins with buildings and ends with attitudes.

In 1902 President Theodore Roosevelt built the West Wing of the White House, where the Oval Office is located. Of a sudden the President was an executive. He no longer worked in his living room, but had an office building in the manner of the business leaders of the age. (Here one observes the federal government as a whole adopting the techniques of the business world with which it was then increasingly in conflict.) The very next year the House of Representatives voted itself an office building, and the year after that the Senate did also.

As is well known, each branch continues to build more office buildings for itself, each of which fills up (such are the demands of the conflict with the other branches) until overcrowding requires yet another building.

The man who has traveled abroad has an advantage in certain kinds of arguments over the one who has not. President and Congress stayed home until 1905 when President Theodore Roosevelt went to Panama. Next, President Taft went there also. Then President Wilson went to Paris. A generation later, Presidents spent an important segment of their time traveling in other countries. In 1954, Congress began to provide easily accessible funds for its own travel abroad. By now, presidential and congressional groups crisscross each other in the farthest reaches of the planet. The practice seems to have begun of Presidents' arranging to meet Congressmen abroad, possibly because of difficulty in getting their schedules together in Washington.

The Presidency acquired an investigative organization, the FBI (technically in 1908, but reaching its famous status in 1924, with the appointment of

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J. Edgar Hoover as director), which was a formidable if not always straightforward weapon. There is now discussion in the Senate of establishing an investigatory arm for such purposes as screening presidential appointees, a function now performed by the FBI.

Access to foreign intelligence is a key element in getting one's way in disputes over foreign policy. In 1947, the Presidency obtained the Central Intelligence Agency, and for a period was uncontested master of the intelligence "secrets." Congress retaliated not by establishing an intelligence service of its own, but by creating, in 1976, the Senate Select Committee on Intelligence with complete access to CIA information. The House, in 1977, established a similar committee.

In 1962, the Presidency acquired the Office of Science and Technology, having previously, in 1957, established the President's Science Advisory Committee. In 1974, Congress acquired the Office of Technology Assessment with an Advisory Council that serves essentially the same function that PSAC once did. (Like the Congressional Budget Office, the Advisory Council to the Office of Technology Assessment was first headed by a Democrat who had been displaced from an equivalent or comparable position in the executive branch when a Republican administration came to power.)

Economic knowledge is, of course, another characteristic technique of modern organization. In 1946, the Presidency obtained the Council of Economic Advisers, a powerful institution not really matched by the Joint Economic Committee established by the same legislation. Still, the staff of that committee does give Congress its own experts with which to dispute those of the President.

This pattern—of the executive branch acquiring a new technique, followed one, two, or three decades later by an equivalent action on the part of the Congress—is now well set; and it has come to involve the Congress in a great many executive functions. Thus in 1963, the Presidency acquired the Special Representative for Trade Negotiations. In 1973, the Senate Finance Committee established a Subcommittee on International Trade whose members are official advisers to the President's trade negotiators. In part, this mixing of functions may be seen as an attempt by one branch to prevail in conflict by coopting the other, which it invites into the decision-making process so that the final decision will be supported. But in even larger part it is an instance of the Iron Law of Emulation.

A more subtle process involves the emulation by one branch of another in order to eliminate any appearance of disparate levels of legitimacy. In 1941, the executive branch established the Committee on Fair Employment Practices. In 1975, members of the House established a Fair Employment Practices Committee (with an interesting mix of Representatives and staff members). A Senate bar on employment discrimination was adopted in 1977.

Similarly with ethical standards. For members of the executive, such standards, including financial disclosure, were promulgated by President Johnson in 1965. The House created a Committee on Official Conduct in 1967. In 1976, the Commission on the Operation of the Senate, chaired by former Senator Harold Hughes, advocated the adoption of explicit standards. The task was completed by a committee chaired by Senator Gaylord Nelson, and resulted in the Senate's adoption of such a code in April 1977.

THE bureaucratized and differentiated structure of the executive and, increasingly, the legislative branches has not yet appeared in the judiciary. But there are signs that the judiciary is beginning to take on *functions* which are invariably associated with bureaucratization and differentiation. This is the rise of what Abram Chayes, in a May 1976 *Harvard Law Review* article, has called "public-law litigation." Traditionally, adjudication has been understood to be a process for resolving disputes among private parties which have not been privately settled. But Chayes holds that this traditional view cannot account for much of what is now actually happening in federal trial courts. Civil litigation increasingly involves determination of issues of public law, whether statutory or constitutional, and frequently terminates in an ongoing affirmative decree. The lawsuit does not merely clarify the meaning of the law, remitting the parties to private ordering of their affairs, but itself establishes a regime ordering the future interaction of the parties and of absentees as well, subjecting them to continuing judicial oversight.

Professor Chayes contends that such a role for the courts, pursued through decrees in class-action suits, is unprecedented and raises serious concerns of legitimacy. He allows that the experience so far has been mixed. Reapportionment decrees, as an example, have in his view worked well, but it remains to be seen how successful federal judges will be at running mental institutions. He is, however, optimistic:

> [D]espite its well-rehearsed inadequacies, the judiciary may have some important institutional advantages for the tasks it is assuming:
>
> First, and perhaps most important, is that the process is presided over by a judge. His professional tradition insulates him from narrow political pressures, but, given the operation of the federal appointive power and the demands of contemporary law practice, he is likely to have some experience of the political process and acquaintance with a fairly broad range of public-policy problems.
>
> Second, the public-law model permits ad-hoc applications of broad national policy in situa-

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tions of limited scope. The solution can be tailored to the needs of the particular situation and flexibly administered or modified as experience develops with the regime established in the particular case.

Third, the procedure permits a relatively high degree of participation by representatives of those who will be directly affected by the decision. . . .

Fourth, the court, although traditionally thought less competent than legislatures or administrative agencies in gathering and assessing information, may have unsuspected advantages in this regard. . . .

Fifth, the judicial process is an effective mechanism for registering and responding to grievances generated by the operation of public programs in a regulatory state. . . .

Sixth, the judiciary has the advantage of being non-bureaucratic. It is effective in tapping energies and resources outside itself and outside the government in the exploration of the situation and the assessment of remedies. It does not work through a rigid, multilayered hierarchy of numerous officials, but through a smallish, representative task force, assembled ad hoc, and easily dismantled when the problem is finally resolved. . . .

But if the federal courts are going to make law (a legislative function) and enforce law (an executive function)—which is what Chayes's term "the public-law litigation model" implies—they are inevitably going to find themselves in conflict with the legislative and executive branches. In that conflict they will be just as inevitably led to adopt the techniques of the other two branches in order to prevail in the ensuing conflict; and, as Simmel would have it, they will be encouraged to do so. They will thus develop a "rigid multilayered hierarchy of numerous officials" of their own.

On this point I find Donald L. Horowitz, in his fine study, *The Courts and Social Policy* (1977),* rather more persuasive than Chayes. After examining four cases of "public-law litigation," Horowitz concludes:

> The four cases make plain the impotence of the courts to supervise the implementation of their decrees, their impatience with protracted litigation, and their limited ability to monitor the consequences of their action. Called upon increasingly to perform administrative functions because they are not burdened with administrative rigidities, the courts are also not blessed with administrative capabilities.

What experience suggests, however, is that if an organization in need of administrative capabilities does not have them, it will seek to acquire them.

Politics, as Maurice Cranston contended in his inaugural lecture at the London School of Economics (1971), is an argument about the future. Rarely, one would add, is any person or party entirely correct. Usually predictions are significantly wrong, and this is the problem the courts confront. Up until now, the primary task of the federal courts has been to rule on the meaning of existing laws, the Constitution foremost. The judges and justices can with some equanimity rule on just what the Founding Fathers intended, for it is extremely difficult to prove they are wrong, and, in any event, they never *are* wrong until they themselves so decree. (Thus the *Brown* [1954] decision declared *Plessy* v. *Ferguson* [1896] to have been wrong. At this moment a considerable number of scholars, notably Walter Berns in his recent *The First Amendment and the Future of American Democracy* [1977], hold that the Court's interpretation of the "establishment clause" of the First Amendment is simply wrong. But until the Court changes its mind, the interpretation stands.)

But what about predictions of the future, where most of us mostly are wrong and can be shown to be? What about predictions of the therapeutic consequences of one form of psychiatric aid as against another? A court without an elaborate bureaucracy to fuzz the results and conceal its mistakes will soon be judged no court at all, but merely a panel of well-intentioned amateurs exposed to all the world as bumblers. The Court will get a bureaucracy.

And more, if some "master plans" are implemented. In 1975, the Architect of the Capitol was authorized by Congress "to prepare studies and develop a Master Plan for future developments within the United States Capitol Grounds, for the future enlargement of such grounds. . . ." Phase II of the Architect's report appeared in August 1977. Note these passages concerning the Supreme Court:

> The Office of the Marshal and the Administrative Assistant to the Chief Justice have outlined the Court's current and future space needs based on trends in employment and the Court's load. Since 1970 there has been a steady increase in support positions. To maintain the high quality of judicial consideration of an increasing case load, additional law clerks, secretarial, and messenger positions were added to the staffs of the Justices' Chambers. This has also led to the creation of a Legal Office staffed by career professionals. Of similar importance has been the appearance of career professionals in various offices of the Court to meet the challenges that have been experienced throughout the federal and state Judiciaries.

In predictable response, the executive has been getting itself judges. In August 1972, the title Hearing Examiner within the executive branch was changed to Administrative Law Judge. In-

* See also his article, "Are the Courts Going Too Far?," COMMENTARY, January 1977.

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deed, there are now 1,071 administrative-law officers in the executive branch who are formally designated Administrative Law Judge, almost 600 more than the total of federal District and Appellate Judges. Twenty-nine agences of the executive branch now have such judges; the Social Security Administration alone has 660. In the meantime, there are another 100 examiners, attorneys, and appeal-board members within the executive branch who seem to have appropriated the title of Administrative Judge, though this is not a "proper" civil-service category.

Once again, a more elaborate taxonomy will perhaps be developed some day, but the general pattern seems distinct. We don't yet think of this as a generalized pattern, but we behave as if the pattern had become general. Thus in the 1930's the congressional party (as it were) directed its strongest attack against the growth of the executive under the New Deal. A generation or so later, the presidential party in the person of Gerald Ford attacked the "Billion Dollar Congress." In that same election year, the successful candidate, Jimmy Carter, attacked both, with special emphasis on the "bloated, horrible bureaucracy."

In recent Senate hearings Claiborne Pell of Rhode Island, an exceptionally careful and perceptive committee chairman, observed that the Senate budget for Fiscal Year 1978 was to be greater than the budget of seventy-four countries. The Washington *Post Magazine* of April 23, 1978 featured on its cover a story entitled, "The Senate: Snarled in Bureaucracy?" This story, well done, was nonetheless perfectly recognizable as the same story that began to be written about the executive a generation or so earlier. The judiciary's time is at hand, as evidenced by the appearance of scholarly works—like Nathan Glazer's "Towards an Imperial Judiciary" *(Public Interest,* Winter 1975)—which will in due course be followed by journalism.

THE most consequential result of all this is overwork. It may come as a surprise to the public to learn that persons in positions of authority in government are overworked, but almost all are. (Whatever, if anything, scientific management may have to say on the subject, I offer the impression that overwork begins at some point between a sixty- and seventy-hour work-week made a year-round routine.) To be sure, persons who are overworked do not necessarily achieve a great deal. Overwork typically appears at a point where productivity begins to fall off. The whole of modern government is made up of men and women trying to jam ever greater resources into the ever tightening angle of an asymptotic production curve.

Overwork begins as a technique, a new way of achieving a goal, usually that of prevailing in conflict. But it soon becomes a condition in its own right, rather like bureaucracy itself. And as with most of the techniques we have discussed, overwork first appeared in the executive.

In general, the modern economy has brought about an inversion of effort as between managerial and production workers. What were known as "bankers' hours" certainly obtained in the government offices of the 19th century when there really wasn't that much for bankers or bureaucrats to do. Recall Trollope's portrait, in *The Three Clerks* (1874), of Mr. Fidus Neverbend, the premier workaholic in the civil service of his time:

> Mr. Fidus Neverbend was an absolute dragon of honesty. . . .
>
> A quarter of an hour spent over a newspaper was in his eyes a downright robbery. If he saw a man so employed, he would divide out the total of salary into hourly portions, and tell him to a fraction of how much he was defrauding the public. If he ate a biscuit in the middle of the day, he did so with his eyes firmly fixed on some document, and he had never been known to be absent from his office after ten or before four.

This compulsive wretch worked a full six-hour day!

Or consider the rather more inspiring figure of Henry L. Stimson as Secretary of State during the administration of President Hoover, a time of vast international crisis. Hoover responded by spending ever more time on the job; Stimson responded by horseback riding. In *On Active Service in Peace and War,* Mr. Stimson and McGeorge Bundy write:

> Mr. Hoover was a worker, capable of more intense and prolonged intellectual effort than any other man Stimson ever met; his cure for all his troubles as President was more and harder work. Stimson was not made that way; his strength depended on regular rest, substantial vacations, and constant physical exercise, nor did he accept as suitable exercise Mr. Hoover's game of medicine ball—it seemed to him as dull as weight lifting, and about as refreshing. More and more after the middle of 1930, Stimson found himself oppressed by the official atmosphere of Washington.

As with much else in the New Deal, then, overwork began with Hoover, and was soon institutionalized. Government became something of a trial of strength. Those in the Cabinet and the White House not capable of sixteen-hour days were driven from the field as inexorably as were the fainthearted and weaklimbed in the tournaments of medieval courts.

Inevitably, overwork in time appeared in Congress. President Roosevelt's Hundred Days are so designated because his first Congress met March 9, 1933, and went home June 15, not to return until the following January (for a long session that lasted until June 18). To the Jeffersonian mind, after all, a great attraction of Washington

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as the seat of government was that it turned malarial in April, so that a Congressman who stayed on until May might not be back in December! But with the 1930's, sessions began to lengthen. Then came war, and the first session of the 77th Congress (1941) met for 365 days. After the war, the duration of sessions dropped back, but in the 1960's it lengthened again. The first session of the 91st Congress (1969) ran 355 days. The Congress is now almost permanently in session.

The number of votes per session has increased considerably more than the number of days. In the first session of the 83rd Congress (1953), there were 80 votes in the Senate and 71 in the House. In the first session of the 95th Congress (1977), there were 636 and 706 respectively. A congressional study committee in 1977 found that for one-third of their day, Members of the House were supposed to be in at least two places at once, this being the result of multiple committee assignments.

Time, of course, is what is most in demand in an overworked institution. Energy is what is most lacking. "Energy in the executive," said Hamilton, "is a leading character in the definition of good government." Something not different is the case with the legislative. But energy is the first quality to disappear when the workload becomes too heavy. Energy and creativity.

Thus, in the sixteenth month of the Carter administration the *Wall Street Journal* reported "combat fatigue" had already set in: "A key White House aide talks of leaving. The general reason: loss of the exhilaration needed to endure seventy-hour work weeks." Good men and women, who should be just about, in an earlier image, getting their second wind, were already used up. An absurd waste, but part of the system they were caught up in. To relieve the burden, President Carter proposed just the wrong remedy. In February 1978, he asked Congress to authorize an additional 100 "supergrade" and "executive-level" employees for his immediate White House staff. This is surely startling in a chief executive who came to office not just formally pledged to cut the size of his office (as Presidents now routinely do) but seemingly determined to do so. Any new top executive will, of course, require that those already there work even harder to keep up with one another.

Overwork is typically followed by efforts to improve efficiency along lines of what is termed organizational rationalism. The first such effort in the executive, the Commission on Department Methods, headed by Assistant Secretary of the Treasury Charles Hallin Keep, was established in 1905. President Franklin D. Roosevelt established the more noted Committee on Administrative Management, headed by Louis Brownlow, in 1936. The first congressional committee of this sort was the Joint Committee on the Organization of Congress, established at the end of 1944 and chaired by Senator Robert La-Follette, Jr., of Wisconsin. Many of its recommendations became part of the landmark Legislative Reorganization Act of 1946. It was this law which established "professional" committee staff for the Congress, the congressional variant of the civil service, to be appointed "without regard to political affiliations and solely on the basis of fitness to perform the duties of the office."

The most recent, and notable, effort in the legislative branch was the Commission on the Operation of the Senate established in 1975. The report, *Toward a Modern Senate*, was notable for a refreshingly candid statement of the nature of a Senator's day—"long, fragmented, and unpredictable. On the average, Senators put in an eleven-hour day"—and a not less candid statement of the goal to help Congress organize to counter the expanding power of the Presidency and the executive branch, "an expansion that recently threatened to upset the constitutional separation of powers. . . ." Predictably, the commission proposed that the Senate adopt more of the techniques of the executive.

Already the legislative branch had acquired one of the more important powers of the executive, the Congressional Veto, which was created by the Reorganization Act of 1932, and serves very much as does the executive veto provided in the Constitution. In 1975 alone, congressional veto provisions were incorporated into fifty-eight laws.

As in the case of its acquisition of judges, the executive branch has responded in turn to competition from the legislative by emulating some of *its* techniques. We could, for example, interpret the establishment, and now proliferation, of independent regulatory commissions—standing committees, as it were—as a legislative technique planted in the executive. This began, of course, with the Interstate Commerce Commission in 1887, an era of relative congressional ascendancy over the Presidency.

Another, subtler, example—and one suggestive of the damage that the Iron Law of Emulation has done—may be found in the way Presidents now seem to negotiate with and mediate among their bureaucracies, much in the manner of House and Senate conferees working out their differences over a bill. Thus in the spring of 1978, after one full year of interdepartmental negotiation, President Carter announced his urban policy. It contained no new initiatives of any consequence. It was rather an immensely complex agreement as to what new resources would be allocated to dozens of different, and already established, programs. Indeed, it was not a policy at all, for nothing of that order could have been achieved by negotiation.

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The ultimate result of these parallel developments may be simply stated: stalemate. As each branch acquires more of the techniques of the others, especially as executive-branch techniques migrate to the other two, each becomes more capable of thwarting the others' purposes, *and probably more disposed* to do so. For while there is surely a disposition to leave to others tasks for which one has no special capacity, this disposition disappears when everyone "knows" everything because everyone has his own information and experts—as is increasingly the case with each of the three branches of our government.

Is it not also likely that as the techniques of the three branches become more alike, the branches will become more homogeneous? Or is that a tautology? No matter. The point is that the branches were intended to be distinctive and to attract distinctive personalities; and they have long done so. The judicial temperament is a real thing. Anyone who has been required to make choices for the judiciary comes to know it and respect it, even if he cannot too closely define it. The ability to manage is a distinctive gift which we associate with persons called executives, and is, we hope, to be found in the executive branch. The genius, the central, the all-informing, all-pervasive principle of the legislative branch is that of representativeness. As each district, each state, is different, so each Representative and Senator is different and should be. None is alike, and none is expected to be. If there is pressure on the individual, it is for him *not* to conform to his fellows. *That* is what is lost when bureaucratic routine and Weberian predictability take over from the principle of representativeness.

If a large (and unsupported) forecast may be permitted, it is that the long-run effect of competitive emulation will be to create government by submerged horizontal bureaucracies that link the three branches of government. They will speak their own language and stay in place while their constitutional masters come and go. (For some time, political scientists have recognized vertical bureaucratic ties that link state, local, and national government: the highway profession, for example, or social welfare.) Thus President Carter began by ordering each of his cabinet officers to *read* all regulations before signing and promulgating them. But this soon became impossible. The bureaucracy writes them and signs them, and, as the Washington *Star* bravely strives to establish, heaven help any outsider who tries to read them. They are probably comprehensible to the committee staff of the Congress, who draft the legislation which the regulations typically carry out. But I know it to be true in my case, and I cannot suppose I am alone, that most legislative language is incomprehensible to me. I depend utterly on translators. One has the *impression*—little more—that judicial decrees are increasingly the work of professionals. The end result of all this is surely predictable, almost, again, tautological: a great falling away of democratic, elective government.

THE question, then, is of a constitutional order. Americans, understandably, tend to think of constitutional change in terms of the amendment process. But this is not the only way change takes place, as John Marshall demonstrated when he established that the Supreme Court had the right of judicial review of acts of Congress. In this sense the American Constitution can evolve rather in the way the British constitution is said to evolve, and indeed does. And the British experience ought to serve as a particular lesson to us just now.

I do not pretend to any special competence here, but I believe it is fair to say that in the course of the 20th century the British have more or less abolished Parliament. I cannot imagine that at any point in the process the British electorate would have voted to do this; but successive incremental changes over three-quarters of a century have brought it about as an accomplished fact. Every five years or so, as things now are, the British elect a body of persons (still called Parliament in accord with the British willingness to change anything but the appearance of things) which in turn elects a chief executive called Prime Minister. This Prime Minister takes over the executive branch (called Whitehall) and governs with only the barest reference to Parliament for the next five years. Legislation takes the mode of the executive order under the American Presidency. The bureaucracy drafts it, the Prime Minister sends it to Parliament, and with the rarest exception, the bills are enacted by the Prime Minister's majority which exists by definition, else he would not be Prime Minister. On five occasions since 1945 a British Prime Minister lost his majority in an election. He was then replaced by another Prime Minister who ruled in precisely the same manner. Parliament as such has no power to differ with the Prime Minister on any issue save the ultimate one of who should be Prime Minister.

In the Sieff Memorial Lecture at the Royal Institution in 1977, Roy Jenkins allowed that in theory Parliament is sovereign, but in practice,

> What parliamentary sovereignty really means is party sovereignty: and a party that wins a bare majority of seats in the House of Commons enjoys the full fruits of sovereignty, even if it has won the votes of well under half the electorate. So long as its members obey the whip, such a party can force through whatever legislation it wishes, even on matters which in most other democracies would require an amendment to the constitution. Although the courts have begun to show more willingness to challenge the executive than they used to do, their ability to resist

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a determined government with a parliamentary majority at its back is severely limited.

Jenkins in fact suggests that the British at last get themselves some measure of judicial review to deal with the enormous and effectively unchallenged power of the civil service. In passing, he notes that the impotent Westminster Parliament "is notoriously overworked." Precisely so: for it has nothing to do.

That the British, who think of themselves as caring very much about such matters and as attending to them, have let their institutions decline so is not a good omen for us. But then we are in a far less etiolated condition. Our situation is not one of a single branch superseding the others. For some time we have had a pattern of one branch frustrating the efforts of the other, with moments of intensive cooperation coming at most every generation or so. We do not really have stalemate yet. But signs do appear.

Consider the question of the roving political elites, whose quest for power takes them first to one branch, then to another, bringing new techniques of conflict and *casus belli* with them. First the White House staff, then the congressional committee, then the judicial chambers. The quest is essentially undemocratic, and their enthusiasms diminish as democracy catches up. They move on. But gigantism remains and stalemate grows. This pattern needs to be identified more frequently, and very much to be resisted.

How might we respond? Here I would be adventurous. I would dare to think that the American polity is as capable now as it was at the outset of adopting wise modes of government *because we think them wise*. What James Q. Wilson writes is probably true. What Simmel wrote is probably true. Yet it is also true that a people that sees its self-interest in *not* doing what comes naturally can do otherwise. That may be more a wish than a rule, but who will know unless we try?

If the Iron Law of Emulation is to be broken, it must first be recognized. We require some consciousness-raising. The tendency to introduce new conflict techniques can be restrained by the *knowledge* that they will almost certainly be matched. Hence we need first to become more aware of the pattern of one branch adopting the techniques of the other, and to sense the futility of it all. Just this much might have real consequences.

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Arms and the Saudi Connection

Steven J. Rosen and Haim Shaked

THE connection between the United States and Saudi Arabia, long considered a well established partnership, recently has been elevated in official parlance to the status of a "special relationship." This honor is not unique among Middle Eastern states—the U.S. also has special relationships with Egypt, Israel, Jordan, and Iran—but the decision to use this particular term is significant. It is meant to elicit a sense of satisfaction and reassurance, a peculiar warmth of feeling that no other combination of words will produce. In the dictionary meaning, of course, every relationship is special in the sense of being distinct or different, having a particular character, or being specific to the participants. But as a code phrase, a special relationship connotes something more, something exceptionally dear and valued, to be honored and protected beyond other relationships in the same class. Thus President Carter's formulation: "The future of Saudi Arabia and the future of the United States are tied together very closely in an irrevocable way."

Some irrevocable ties derive from a deep cultural affinity, a perception of common history, or the natural attraction of nations with similar socioeconomic systems and strategic interests. Often these elements are bound together in a feeling of shared destiny, as in the phrase "the future of the Western world." But in the present international system this class of irrevocable ties is almost invariably recorded in formal alliances, and clearly Saudi Arabia is not such a case.

The genus "special relationship," on the other hand, seems to apply to the other cases where there is no military alliance, only limited cultural affinity, not much shared history, and a difference of socioeconomic systems. In these special irrevocable relationships, there is a shared future interest but not a shared past. The declaration of "irrevocable ties" in such cases is more an expression of hope for the future than of demonstrated past performance under trial by fire.

In the Saudi case, the special relationship is rooted in the politics of the oil revolution and its consequences. With 25 per cent of the world's proven reserves and a still larger share of exportable oil, as well as influence over the United Arab Emirates and other producers, Riyadh now holds the key to the global price and supply of the lifeblood of the world industrial system. Now pumping about 8 million barrels a day (mbd), Saudi Arabia presently needs to export only 5 mbd to finance its own import requirements. American and OECD specialists expect that the Saudis will have to increase liftings to 12 or 16 or 20 mbd to meet global demand by 1985, but most observers do not expect that Riyadh's own revenue requirements will expand at a rate commensurate with these assumptions (though it is likely that they will expand considerably due to rapid inflation of development-project costs). Unspent surplus revenues, already accumulating at a rate unprecedented in the history of finance, will, if the Saudis cooperate, multiply still more rapidly. Responsible recycling of these reserves will continue to be necessary to correct balance-of-payments disequilibriums for the nations hardest hit by inflated oil-import bills, including the United States, in the form of loans, bond purchases, bank deposits, and foreign investments. Relatively small fluctuations in Saudi production, pricing, or investment policies can set in motion waves of disruption throughout the industrial world, while having minimal impact on the fortunes of Saudi Arabia itself.

In the extreme case, as Sheikh Yamani once noted in an unguarded moment, unilateral actions by the Saudis could destroy either the oil importers —primarily the West and the more advanced countries of the Third World—or the oil exporters. The importers could be devastated by a halving of Saudi production and a doubling of prices; and the revenue-dependent exporters (such as Iraq and Iran) could be undercut by a doubling of Saudi production and a halving of prices. Similarly, unilateral actions in Saudi financial policy could fundamentally upset the structure of the world monetary system, the value of individual currencies, and the availability of investment capital to finance growth in many countries of the First and Third Worlds.

It is true that Saudi Arabia is also dependent on the West—for technology, managerial assistance, the stability of the global environment, and the

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security of its overseas investments. Optimists see a self-correcting element in Saudi foreign deposits, in that Riyadh, they assert, could not bring down the Western house of cards without suffering substantial losses in its own sunk investments. But, as one writer has observed, this is a little like telling a man holding a gun to your head that he cannot blow out your brains because, if he does, he will get blood all over his new suit. The plain truth is that the basic relationpship is one of grossly asymmetrical dependence, and the leverage is there if the Saudis should ever want to exploit it.

The fact that Riyadh up to now *has* behaved "responsibly"—i.e., in a fashion consistent with the interests of other states—has not been primarily a function of counterthreats or self-deterrence in fear of unacceptable losses. The Saudis have acted responsibly not because they are held in check by a balance of power but rather because they have been restrained by their own self-interest and their conception of good citizenship. There is a highly developed "superego" in this kingdom founded on and socialized by the conservative moral principles of the Wahabbi movement in Islam, and it is likely to continue to be effective in the future. Western fears, therefore, hinge not on whether the Saudis will continue to be responsible, but rather on the possibility of a change in the main principles from which their responsibility derives. What if the Saudi leaders continue to be good citizens, but redefine their allegiance to a community with different values?

Community membership is above all a question of self-concept and identity. A Saudi leader is simultaneously a citizen of Saudi Arabia, of the Arab world, of the Nation of Islam, of the Third World, of OPEC, and of the West, not to mention an array of internal tribal, familial, regional, and class loyalties. The implicit assumption of Western writers and statesmen when they speak of Saudi "responsibility" is either that fidelity to Western interests serves these other communities, or that the stability of the Western world and its security against Communism is a preeminent interest for Saudi Arabia, standing above its other obligations.

It is less clear that the Saudi leadership sees its obligations this way today or will continue to do so in the future. The cardinal precept of the Wahabbi movement is a return to Islamic fundamentalism. The Saudi leaders are the trustees of the birthplace of Mohammedanism, and they have a special mission to reawaken the original inspiration throughout the increasingly secular Islamic world. Strengthening the *Western* (mainly Christian) system is not the ultimate objective, but merely an instrument to protect the bastion of Islamic conservatism from the threats of radicalism and Communism. It follows that, should at some future date the interests of Islam and those of the West come to be perceived as divergent, the responsibilities of the Saudi leadership might shift accordingly.

For American policy-makers, the possibility of conflict between Western and Islamic interests is a relatively remote concern. But the intensification of the Saudis' *Arab* identity and their renewed commitment to pan-Arab goals are recognized as a more immediate reality. Yet the willingness of Riyadh to assume a role of Arab leadership and to offer itself as an alternative to Cairo, Damascus, and Baghdad as the focal point of the Arab coalition is regarded by Washington as a *positive* development, indeed one to be encouraged by the United States. According to the prevailing view in Washington, the Wahabbi leadership is moderate and responsible and can be expected to exercise a restraining influence on the more strident and adventurous elements of the Arab camp. The Saudis are doves within OPEC, a stabilizing influence in the Persian Gulf and the Arabian peninsula, and, it is said, a moderating influence in the Arab-Israeli context. But is this view accurate?

An understanding of the Saudi role in inter-Arab politics must begin with the linkage between Saudi domestic and international concerns and the wider Arab political sphere. Prior to 1967, the kingdom was ostracized by Nasser and by the radical elements in the Arab camp, and the top Saudi leadership saw the direction of the pan-Arab movement as a threat to the stability of the regime. From 1951 to 1957, Egyptian military missions had trained Saudi forces, and Nasserite ideas infiltrated the middle-officer ranks. But in 1957, following the Suez crisis and the creation of the first United Arab Republic, King Saud abruptly terminated the alliance with Egypt and reoriented Saudi policy toward the United States. Simultaneously, he launched a vitriolic propaganda campaign against the Egyptians and, according to Egyptian sources, attempted to bribe the chief of the Syrian general staff to assassinate Nasser. Yet when, in 1964, Saud was deposed by his brother Faisal, the former king went to Egypt and broadcast pro-Nasser speeches over Radio Cairo—asserting, among other things, that he had been ousted because a squadron of U.S. jets based at Dharan had intervened to frighten the Royal Guard into submission.

During the 1960's anti-royalist influences continued to operate within the kingdom. In 1963, during the Yemen crisis, nine Saudi pilots defected to the Nasserites, forcing the grounding of the air force. A few years later, several hundred arrests were necessary at Dharan to break up a conspiracy of civilian reformers and young officers. A (Nasserite) Arabian Peninsula Peoples Union gained influence within the army and among tribes in the northern Shammar region. The hazards of Arab pariahdom made a deep impression on the leadership of the extended royal family.

Two subsequent wars helped the Saudis escape from this tightening vise. The 1967 war displaced Egypt from the position of unchallenged bloc

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leadership and provided an opportunity for the Saudis to regain credibility within the Arab world. The 1973 confrontation, accompanied by the fourfold increase in the crude-oil price, provided the leverage. Both Egypt and Syria became dependent on Saudi subsidies, and the Saudis became the key to influencing the West.

Today, the driving force of Saudi external policy is to achieve dominance and hegemony on the Arabian peninsula and a position of seniority in the inter-Arab sphere. The importance that the U.S. attributes to Saudi leadership enhances the influence of the kingdom within the Arab camp, and the enhanced influence of Riyadh within the Arab camp increases its leverage with Washington. American advocates of the Saudi connection recognize certain anomalies in this alliance, such as the failure of Riyadh to support the Sadat peace initiative and its extensive financial support to Syria and the PLO. But these are excused by the imperatives of pan-Arab leadership: e.g., Riyadh cannot openly endorse Sadat (a position that is assumed otherwise to be natural) because this would split the Arab world into two caucuses and reduce Saudi influence with the Arab hawks. Prince Fahd considers "Arab fragmentation more fatal than wars." Similarly, it is said, Riyadh must contribute to the PLO to demonstrate its solidarity and to enhance its restraining influence with the Palestinians. American policy-makers accept and even endorse this Saudi tactic of sitting on the fence to see what develops without committing Riyadh to any specific party.

Proponents of this analytical line seldom consider its obverse: that while Saudi leadership may influence the direction of Arab policy, the requirements of becoming the leader of the Arab bloc may also change the Saudi perspective and influence *Saudi* policy. Within the pan-Arab context, a prospective leader must have certain qualities: (1) a demonstrated independence of the West and, if necessary, a willingness to oppose it; (2) a tangible commitment to the struggle against Israel; (3) solidarity with the Arabs of Palestine; (4) a willingness to commit resources to, and sacrifice other objectives for, the first three principles; and (5) open lines of communication with the other principal states of the coalition. Inherent in these imperatives is the potential for serious conflict between an Arabized Saudi Arabia and the West, with implications that seem to be overlooked by present American policy.

II

THE five imperatives of pan-Arab leadership are interconnected, and the observance of one is mutually supportive of the others. For example, support for the Palestinians is itself an expression of opposition to Israel; it often involves the commitment of resources and the sacrifice of other objectives; it implies dissatisfaction with the Western and especially the American roles in the region; and it reinforces links with other states in the region. In practice, a commitment to the Palestinians is the *sine qua non* of bloc participation, for without the Palestinian cause there is no unifying theme to bind the heterogeneous elements of the coalition and to bridge such differences as the conflicts between Syria and Iraq, Libya and Egypt, Algeria and Morocco, Iraq and Kuwait, and Libya and Tunisia. The Palestinians own the Arab conscience. This is their power, and today it is also the power of the Arab idea.

The Saudis are well aware of the centrality of the Palestinians. In the past twelve months, Yasir Arafat has made at least four pilgrimages to the Wahabbi capital, more than any other senior Arab leader, and on each occasion he has met with the top officials of the Saudi kingdom. The Saudis in turn have reiterated their opposition to any settlement that fails to provide a "just solution to the legitimate rights of the Palestinian people," and they appear ready to put the full weight of their influence and the considerable means at their disposal behind this commitment.

Many Israelis and friends of Israel believe that a general solution of the Palestinian question will be the most intractable of the outstanding issues of the Arab-Israeli conflict, and that the principle of linkage that ties a settlement on any one front to a resolution on all fronts in effect makes it impossible to achieve a settlement at all. Since Sinai is the easiest case, it is argued, the pragmatic approach would be a de facto separate peace with Egypt, under the cover of a nebulous statement of principles for the other fronts sufficient to satisfy Egyptian obligations without committing Israel to specific arrangements that would be unacceptable. It is conceded by advocates of this approach that Sadat's latitude also is limited by pan-Arab principles (his country is, after all, the *Arab* Republic of Egypt, and the ruling party is the *Arab* Socialist Union, etc.), but in practice Sadat's interpretation of his Arab responsibilities might be appeased by a statement of general principles to guide a settlement on the other fronts without the actual negotiation of the other pacts themselves.

It is not our purpose here to assess this analysis of Egypt's options, but to point out that, even if it were otherwise correct, the new Saudi role makes such an analysis untenable. Saudi Arabia and the other Persian Gulf states under its influence today underwrite virtually the entire capital budget of the Egyptian armed forces, not to mention a considerable portion of Sadat's economic-development program, and the key sectors of the Egyptian elite are beholden to Riyadh. Some have argued that if these subsidies were withdrawn as a consequence of a separate peace agreement engineered by the United States, Washington could provide enough aid to offset the losses. But American aid to Egypt already exceeds $1 billion per year. A small incre-

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ment above this amount is conceivable, but an additional commitment of more than $2 billion per year for the indefinite future simply is not credible. Therefore, Egypt depends on the Saudi subsidies. Moreover, elements within the Egyptian armed forces that would in any case oppose a separate peace would be vastly strengthened if they had Saudi Arabia as their outside sponsor rather than Libya, Syria, or Iraq. It would be an exaggeration to say that Riyadh owns the Egyptian army, but certainly its influence is considerable.

In effect, then, the Saudi commitment to the Palestinians, which is a direct consequence of Riyadh's pan-Arab leadership role, becomes a major impediment to the negotiating flexibility of the Egyptians. The Carter administration apparently considers it a truism that "Saudi Arabia has played an important moderating role in the search for peace in the Middle East. We consider the Saudis a constructive partner in our efforts in the region." American officials seem inclined to do everything possible to encourage Saudi leadership of the Arab bloc. Yet the inherent ambivalence of Saudi policy puts in doubt whether such a development would in fact promote the peace process or impede it. Some may even conclude that things have not gone as well as they might have between Sadat and Begin precisely because of the Saudi role in limiting concessions by Egypt and Jordan.

III

THE assumptions being made about the Saudi role in a possible future war also need to be questioned. For example, President Carter asserted on February 17 that "Saudi Arabia has never been actively engaged in any aggression against Israel," and administration spokesmen are sanguine about Saudi non-participation in a possible future war. But as early as 1948, Saudi Arabia furnished a battalion of troops under Egyptian command for the invasion of Palestine by the Arab League armies. On May 24, 1967, two weeks before the June war began, Saudi units entered southern Jordan as part of the Arab mobilization against Israel, while others waited in readiness near the border. None were actively engaged in the ensuing hostilities, but this was more a consequence of the lightning Israeli victory than of any apparent lack of will on the part of the Saudis. During the 1973 war, a Saudi brigade of approximately 3,000 men was dispatched to Syria, and several Saudi prisoners were reportedly taken by the Israelis. In addition, eight Saudi helicopters with Saudi pilots were sent to Egypt where they participated in logistic-support missions and did not return home until a few months after the war ended. Following the war, a brigade of about 4,000 men remained in Jordan encamped near Karak, in the mountains to the east of the Dead Sea, until late 1976. All of these deployments, it should be added, represented significant percentages of the forces in being at the times of conflict.

The actions of the Saudis since 1973 raise additional doubts. In November 1975, 15 F-5E Tigers that the United States had delivered to the Royal Saudi Air Force less than twelve months earlier (amid assurances to Congress that the administration was confident they would not be used against Israel) flew out of a Jordanian base into Syria to participate in joint Syrian-Jordanian-Saudi maneuvers lasting several days. (Riyadh explained to Washington that its squadron was merely participating in the "annual training cycle" of the Saudi brigade in Syria.) In November 1977, a squadron of F-5's flew out of the Saudi base at Tabuk close to the Israeli border. Senior Saudi military commanders and officials now consult regularly with their counterparts in the confrontation states and make frequent visits to Egypt, Syria, and Jordan. Riyadh is investing heavily in the Arab Military Industries Organization to build munitions and aerospace facilities in Egypt, and has just announced that it is building a $10-billion weapons'-production center of its own. In the military sphere, as in diplomacy, Saudi policy is increasingly bound up with that of the other key Arab states, including those to the "Left" as well as those to the "Right." To Prince Fahd, "the kingdom of Saudi Arabia is among the Arab states and within the framework of the Arab states. . . . All the Arab states fall within one framework."

Saudi officials have also been forthright in stating that, should there be a fifth Arab-Israeli war, their country would commit its forces. King Khalid told the New York *Times*:

> When we build up our military strength we have no aims against anybody, except those who took by force our lands and our shrines in Jerusalem—and we know who that is. . . . The strength of Saudi Arabia is a strength for the whole Arab and Islamic world. We always intended to make use of all military equipment that might help us to build our military strength.

Defense Minister Sultan told the *Christian Science Monitor* that "All our weapons are at the disposal of the Arab nation and will be used in the battle against the common enemy." Foreign Minister Saud assured *Newsweek* that, "In times of war, when the interests of our brother Arab countries are involved and blood is flowing, nothing is too expensive to use [including] whatever resources we have to hurt our enemy." The Kuwaiti newspaper *Al Qabas* reported that Saudi officials "feel their country will be exposed to any new war in the area and for that reason are preparing to participate in such war by opening a new front in the Eilat area."

U.S. officials dismiss these as "hometown statements" made for the benefit of the leaders they are talking to at the moment, and not as statements of intent. What really motivates the Saudis,

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according to administration statements to Congress, is the putative threat from Iraq. This theoretical problem can justify almost anything, however, since Iraq has more than triple the armed forces of the Wahabbi kingdom, higher levels of combat efficiency, and an aggressive Ba'athist ideology, ostensibly hostile to the very existence of "reactionary" Arab regimes. Yet this situation has existed since 1963 (when the Ba'athists assumed power in Iraq), without Saudi Arabia requiring massive arms transfers until now. Even at the height of the Nasserite threat, nothing on the scale of the present military-development program was considered necessary.

By contrast, the present period of accelerated sales to Riyadh coincides with Baghdad's recent moderation of its claims against Kuwait and Iran —which might have been expected to dampen incentives for a Saudi military buildup. In effect, the Iraqi arms inventory, whose main target is Israel, is being used to justify a Saudi counter-development, whose end target—according to almost all indications—will also be Israel. Moreover, if the fiction of building up Saudi Arabia against Iraq and Iran is accepted as the criterion for arms sales, the 60 F-15's included in the Carter arms package will be merely the opening wedge for enormous future provisions. U.S. Air Force Secretary John C. Stetson acknowledged this recently when he described the 60 F-15's as merely a "drop in the bucket" considering the size of the country the Saudis have to defend, and said that more aircraft will be required.

IV

CURRENT Saudi defense expenditures are nearly equal to those of Britain, France, and Germany and nearly two-and-a-half times those of Israel. The *tenfold* expansion in Saudi military capabilities that is now under way with U.S. assistance is significant not only for the Arab-Israeli balance but also for American strategic interests in the region. Indeed, it can be argued that the implications for the United States are potentially greater than those for Israel.

In themselves, the F-15's promised by the Carter administration and the other elements of the kingdom's military-development program (including a complete military infrastructure sufficient to absorb equipment levels far beyond those now on order), while significant, will not overturn the balance of power against Israel. A "counting the beans" comparison of arsenals alone is highly misleading, since the Israeli advantage is based primarily on a superior capacity to maintain, operate, and obtain the greatest combat utility from given sets of equipment. While differences in manpower are inherently less quantifiable than differences in equipment, a considerable body of evidence points to the conclusion that sound training, well-considered tactics, entrepreneurial skill, and the individual competence of personnel, especially pilots, have a much greater effect than any normal differences in weapons hardware. The very speed of technological change and innovation tends to reward the side that is able to modify its organization and tactics more rapidly and to absorb and integrate new equipment in shorter lead times. While it would be a mistake to underrate the Saudis—their armed forces draw upon the same Bedouin stock out of which the British fashioned the Jordanian Arab Legion (itself widely regarded as the best fighting force of its size in the Arab world)—the Israeli advantage is deeply rooted in a difference of social and cultural milieu and is likely to persist for quite some time.

But the new Saudi capabilities will represent a significant addition to the other elements of the Arab military coalition. Exactly for this reason, it may be impossible for the Saudis *not* to participate in another round of fighting if they hope to retain their leadership role. The new capabilities may generate their own intentions and enhance the pressures within the country and from other Arab states to contribute to a common Arab effort against the Zionist enemy. In this light, the expansion of the Saudi bases at Tabuk, Turayf, and Gurayat near the Israeli border, including a paratroop installation at Tabuk (paratroops being by definition offensive forces), is not an encouraging sign.

Given the scale of the Saudi assets and their potential threat to key Israeli targets such as the Hawkeye airborne radars and the Dimona installations, the Israelis may in a crisis feel compelled to launch a preemptive strike against Tabuk and other Saudi bases in the northwest. Already there are reports of Israeli photo-reconnaissance missions and feinting practice attacks against Tabuk. If Israeli intentions are ambiguous, the Saudis will have to take this into account; they may conclude that the option of staying out of a war is foreclosed by the new circumstances. In effect, the Saudi posture increases the likelihood of an action-reaction cycle of defensive-preemptive calculations on both sides.

In sum, the most serious problem raised by the Saudi buildup is that it increases the probability of the outcome least desired by the Carter administration, the Israelis, and presumably the Saudis: direct combat between forces of Israel and Saudi Arabia, making the latter, for the first time, a full-fledged confrontation state.

Even under the best of circumstances, including complete Saudi military abstention, a fifth Arab-Israeli war would severely strain the "special relationship" between Washington and Riyadh. It is conceivable that a crisis could be isolated if both parties stood at some distance from their respective clients during the fighting. Once direct Saudi participation is assumed, however, the diplomatic damage-limitation strategies fail. Rational interest

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alone may not limit the escalation from limited military involvement to complete engagement of the oil and petrodollar weapons. Once the hounds of war are unleashed, and Saudi blood is flowing, the pressures to employ the full panoply of Saudi weapons may be irrepressible. And when the Saudis come out of the war with a bloody nose, the postwar relationship with the United States will be altered, perhaps permanently. For these reasons, the United States may have an even greater interest than does Israel in keeping Saudi Arabia out of the military confrontation.

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THE United States is more deeply involved in the military buildup in Saudi Arabia than in any other nation, including Israel and Iran. The U.S. has designed for the Saudis a thorough and systematic program to develop from the ground up a complete military infrastructure, including airfields, naval port facilities, radar and communications systems, supply depots and related logistical support, and maintenance and repair facilities, as well as training programs for personnel to maintain, operate, repair, command, and administer the weapons and facilities. Most of the actual construction and training is under the direct supervision of the U.S. Army Corps of Engineers and American corporations, and tens of thousands of American citizens are on the ground in Saudi Arabia as part of this effort.

Americans who question the scope of this involvement are reminded of the "special relationship." But President Carter himself, wearing his other hat as an arms controller, does "not believe arms sales buy lasting friends." Critics also are reminded of the yawning balance-of-payments deficit. But in 1977, the American trade deficits with Libya and Iraq were equal to or greater than that with Riyadh, yet nobody favors major arms sales to these countries. In any case, all 60 F-15's promised by the administration, which will be operational well into the 1990's will pay for less than three weeks' oil imports. Critics are asked how Washington could say no to the Saudis. But if this is the case, how will it say no if at some future point the request is for AWACS or cruise missiles or heavy bombers? Is Washington prepared to concede the principle that American policy is a mere hostage to Saudi demands?

The possibility of an Arab-Israeli settlement will be the first casualty if the United States maneuvers itself into a position in which unlimited Saudi Arabian influence over Washington can be taken for granted. If the Arabs conclude that they can get through the back door—i.e., through Washington—what they cannot get from Israel directly, their incentives to make the concessions necessary for peace will be reduced. The "special relationship" with Saudi Arabia, intended as an instrument to enhance moderate influence in the Arab world, will instead become an obstacle to progress. The dilemma is already evident in the Sadat initiative. Had Saudi Arabia committed itself to a pro-Egyptian line, the whole situation might be different now. In the event, Saudi Arabia has become not part of the solution but part of the problem.

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Are Quotas Good for Blacks?

Thomas Sowell

RACE has never been an area noted for rationality of thought or action. Almost every conceivable form of nonsense has been believed about racial or ethnic groups at one time or another. Theologians used to debate whether black people had souls (today's terminology might suggest that *only* black people have souls). As late as the 1920's, a leading authority on mental tests claimed that test results disproved the popular belief that Jews are intelligent. Since then, Jewish IQ's have risen above the national average and more than one-fourth of all American Nobel Prize-winners have been Jewish.

Today's grand fallacy about race and ethnicity is that the statistical "representation" of a group —in jobs, schools, etc.—shows and measures *discrimination*. This notion is at the center of such controversial policies as affirmative-action hiring, preferential admissions to college, and public-school busing. But despite the fact that far-reaching judicial rulings, political crusades, and bureaucratic empires owe their existence to that belief, it remains an unexamined assumption. Tons of statistics have been collected, but only to be interpreted in the light of that assumption, never to test the assumption itself. Glaring facts to the contrary are routinely ignored. Questioning the "representation" theory is stigmatized as not only inexpedient but immoral. It is the noble lie of our time.

AFFIRMATIVE-ACTION HIRING. "Representation" or "underrepresentation" is based on comparisons of a given group's percentage in the population with its percentage in some occupation, institution, or activity. This might make sense if the various ethnic groups were even approximately similar in age distribution, education, and other crucial variables. But they are not.

Some ethnic groups are a whole decade younger than others. Some are two decades younger. The average age of Mexican Americans and Puerto Ricans is under twenty, while the average age of Irish Americans or Italian Americans is over thirty —and the average age of Jewish Americans is over forty. This is because of large differences in the number of children per family from one group to another. Some ethnic groups have more than twice as many children per family as others. Over half of the Mexican American and Puerto Rican population consists of teenagers, children, and infants. These two groups are likely to be underrepresented in any adult activity, whether work or recreation, whether controlled by others or entirely by themselves, and whether there is discrimination or not.

Educational contrasts are also great. More than half of all Americans over thirty-five of German, Irish, Jewish, or Oriental ancestry have completed at least four years of high school. Less than 20 per cent of all Mexican Americans in the same age bracket have done so. The disparities become even greater when you consider quality of school, field of specialization, postgraduate study, and other factors that are important in the kind of high-level jobs on which special attention is focused by those emphasizing representation. Those groups with the most education—Jews and Orientals—also have the highest quality education, as measured by the rankings of the institutions from which they receive their college degrees, and specialize in the more difficult and remunerative fields, such as science and medicine. Orientals in the United States are so heavily concentrated in the scientific area that there are more Oriental scientists than there are black scientists in absolute numbers, even though the black population of the United States is more than twenty times the size of the Oriental population.

Attention has been focused most on high-level positions—the kind of jobs people reach after years of experience or education, or both. There is no way to get the experience or education without also growing older in the process, so when we are talking about top-level jobs, we are talking about the kind of positions people reach in their forties and fifties rather than in their teens and twenties. Representation in such jobs cannot be compared to representation in a population that includes many five-year-olds—yet it is.

The general ethnic differences in age become extreme in some of the older age brackets. Half of the Jewish population of the United States is for-

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ty-five years old or older, but only 12 per cent of the Puerto Rican population is that old. Even if Jews and Puerto Ricans were identical in every other respect, and even if no employer ever had a speck of prejudice, there would still be huge disparities between the two groups in top-level positions, just from age differences alone.

Virtually every underrepresented racial or ethnic group in the United States has a lower than average age and consists disproportionately of children and inexperienced young adults. Almost invariably these groups also have less education, both quantitatively and qualitatively. The point here is not that we should "blame the victim" or "blame society." The point is that we should, first of all, *talk sense*! "Representation" talk is cheap, easy, and misleading; discrimination and opportunity are too serious to be discussed in gobbledygook.

THE idea that preferential treatment is going to "compensate" people for past wrongs flies in the face of two hard facts:

1. Public-opinion polls have repeatedly shown most blacks opposed to preferential treatment either in jobs or college admissions. A Gallup Poll in March 1977, for example, found only 27 per cent of non-whites favoring "preferential treatment" over "ability as determined by test scores," while 64 per cent preferred the latter and 9 per cent were undecided. (The Gallup breakdown of the U.S. population by race, sex, income, education, etc. found that "not a single population group supports affirmative action."*)

How can you compensate people by giving them something they have explicitly rejected?

2. The income of blacks relative to whites reached its peak *before* affirmative-action hiring and has *declined* since. The median income of blacks reached a peak of 60.9 per cent of the median income of whites in 1970—the year before "goals" and "timetables" became part of the affirmative-action concept. "In only one year of the last six years," writes Andrew Brimmer, "has the proportion been as high as 60 per cent."†

Before something can be a "compensation," it must first be a benefit.

The repudiation of the numerical or preferential approach by the very people it is supposed to benefit points out the large gap between illusion and reality that is characteristic of affirmative action. So does the cold fact that there are few, if any, benefits to offset all the bitterness generated by this heavy-handed program. The bitterness is largely a result of a deeply resented principle, galling bureaucratic processes, and individual horror stories. Overall, the program has changed little for minorities or women. Supporters of the program try to cover up its ineffectiveness by comparing the position of minorities today with their position many years ago. This ignores all the progress that took place under straight equal-treatment laws in the 1960's—progress that has not continued at anywhere near the same pace under affirmative action.

Among the reasons for such disappointing results is that hiring someone to fill a quota gets the government off the employer's back for the moment, but buys more trouble down the road whenever a disgruntled employee chooses to go to an administrative agency or a court with a complaint based on nothing but numbers. Regardless of the merits, or the end result, a very costly process for the employer must be endured, and the threat of this is an incentive *not* to hire from the groups designated as special by the government. The affirmative-action program has meant mutually canceling incentives to hire and not to hire—and great bitterness and cost from the process, either way.

IF BLACKS are opposed to preferential treatment and whites are opposed to it, who then is in favor of it, and how does it go on? The implications of these questions are even more far-reaching and more disturbing than the policy itself. They show how vulnerable our democratic and constitutional safeguards are to a relative handful of determined people. Some of those people promoting preferential treatment and numerical goals are so convinced of the rightness of what they are doing that they are prepared to sacrifice whatever needs to be sacrificed—whether it be other people, the law, or simple honesty in discussing what they are doing (note "goals," "desegregation," and similar euphemisms). Other supporters of numerical policies have the powerful drive of self-interest as well as self-righteousness. Bureaucratic empires have grown up to administer these programs, reaching into virtually every business, school, hospital, or other organization. The rulers and agents of this empire can order employers around, make college presidents bow and scrape, assign schoolteachers by race, or otherwise gain power, publicity, and career advancement—regardless of whether minorities are benefited or not.

While self-righteousness and self-interest are powerful drives for those who have them, they can succeed only insofar as other people can be persuaded, swept along by feelings, or neutralized. Rhetoric has accomplished this with images of historic wrongs, visions of social atonement, and a horror of being classed with bigots. These tactics

* Gallup Opinion Index, June 1977, Report 143, p. 23.

† *Black Enterprise*, April 1978, p. 62. A newly released RAND study similarly concludes that very little credit should be given to government affirmative-action programs for any narrowing of the income gap between white and black workers. The RAND researchers write, "our results suggest that the effect of government on the aggregate black-white wage ratio is quite small and that the popular notion that . . . recent changes are being driven by government pressure has little empirical support" (New York *Times*, May 8, 1978).

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have worked best with those most affected by words and least required to pay a price personally: non-elected judges, the media, and the intellectual establishment.

The "color-blind" words of the Civil Rights Act of 1964, or even the protections of the Constitution, mean little when judges can creatively reinterpret them out of existence. It is hard to achieve the goal of an informed public when the mass media show only selective indignation about power grabs and a sense of pious virtue in covering up the failures of school integration. Even civil libertarians—who insist that the Fifth Amendment protection against self-incrimination is a sacred right that cannot be denied Nazis, Communists, or criminals—show no concern when the government routinely forces employers to confess "deficiencies" in their hiring processes, without a speck of evidence other than a numerical pattern different from the government's preconception.

PREFERENTIAL ADMISSIONS. Preferential admissions to colleges and universities are "justified" by similar rhetoric and the similar assumption that statistical underrepresentation means institutional exclusion. Sometimes this assumption is buttressed by notions of "compensation" and a theory that (1) black communities need more black practitioners in various fields; and that (2) black students will ultimately supply that need. The idea that the black community's doctors, lawyers, etc. should be black is an idea held by white liberals, but no such demand has come from the black community, which has rejected preferential admissions in poll after poll. Moreover, the idea that an admissions committee can predict what a youth is going to do with his life years later is even more incredible—even if the youth is one's own son or daughter, much less someone from a wholly different background.

These moral or ideological reasons for special minority programs are by no means the whole story. The public image of a college or university is often its chief financial asset. Bending a few rules here and there to get the right body count of minority students seems a small price to pay for maintaining an image that will keep money coming in from the government and the foundations. When a few thousand dollars in financial aid to students can keep millions of tax dollars rolling in, it is clearly a profitable investment for the institution. For the young people brought in under false pretense, it can turn out to be a disastrous and permanently scarring experience.

The most urgent concern over image and over government subsidies, foundation grants, and other donations is at those institutions which have the most of all these things to maintain—that is, at prestigious colleges and universities at the top of the academic pecking order. The Ivy League schools and the leading state and private institutions have the scholarship money and the brand-name visibility to draw in enough minority youngsters to look good statistically. The extremely high admissions standards of these institutions usually cannot be met by the minority students—just as most students in general cannot meet them. But in order to have a certain minority body count, the schools bend (or disregard) their usual standards. The net result is that thousands of minority students who would normally qualify for good, non-prestigious colleges where they could succeed, are instead enrolled in famous institutions where they fail. For example, at Cornell during the guns-on-campus crisis, fully half of the black students were on academic probation, despite easier grading standards for them in many courses. Yet these students were by no means unqualified. Their average test scores put them in the top quarter of all American college students—but the other Cornell students ranked in the top *1 per cent*. In other words, minority students with every prospect of success in a normal college environment were artificially turned into failures by being mismatched with an institution with standards too severe for them.

When the top institutions reach further down to get minority students, then academic institutions at the next level are forced to reach still further down, so that they too will end up with a minority body count high enough to escape criticism and avoid trouble with the government and other donors. Each academic level, therefore, ends up with minority students underqualified for that level, though usually perfectly qualified for some other level. The end result is a systematic mismatching of minority students and the institutions they attend, even though the wide range of American colleges and universities is easily capable of accommodating those same students under their normal standards.

Proponents of "special" (lower) admissions standards argue that without such standards no increase in minority enrollment would have been possible. But this blithely disregards the fact that when more *money* is available to finance college, more low-income people go to college. The GI Bill after World War II caused an even more dramatic increase in the number of people going to college who could never have gone otherwise—and without lowering admissions standards. The growth of special minority programs in recent times has meant both a greater availability of money and lower admissions standards for black and other designated students. It is as ridiculous to ignore the role of money in increasing the numbers of minority students in the system as a whole as it is to ignore the effect of double standards on their maldistribution among institutions. It is the double standards that are the problem, and they can be ended without driving minority students out of the system. Of course, many academic hustlers who administer special programs might lose

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their jobs, but that would hardly be a loss to anyone else.

As long as admission to colleges and universities is not unlimited, someone's opportunity to attend has to be sacrificed as the price of preferential admission for others. No amount of verbal sleight-of-hand can get around this fact. None of those sacrificed is old enough to have had anything to do with historic injustices that are supposedly being compensated. Moreover, it is not the offspring of the privileged who are likely to pay the price. It is not a Rockefeller or a Kennedy who will be dropped to make room for quotas; it is a De Funis or a Bakke. Even aside from personal influence on admissions decisions, the rich can give their children the kind of private schooling that will virtually assure them test scores far above the cut-off level at which sacrifices are made.

Just as the students who are sacrificed are likely to come from the bottom of the white distribution, so the minority students chosen are likely to be from the top of the minority distribution. In short, it is a forced transfer of benefits from those least able to afford it to those least in need of it. In some cases, the loose term "minority" is used to include individuals who are personally from more fortunate backgrounds than the average American. Sometimes it includes whole groups, such as Chinese or Japanese Americans, who have higher incomes than whites. One-fourth of all employed Chinese in this country are in professional occupations—nearly double the national average. No amount of favoritism to the son or daughter of a Chinese doctor or mathematician today is going to compensate some Chinese of the past who was excluded from virtually every kind of work except washing clothes or washing dishes.

The past is a great unchangeable fact. *Nothing* is going to undo its sufferings and injustices, whatever their magnitude. Statistical categories and historic labels may seem real to those inspired by words, but only living flesh-and-blood people can feel joy or pain. Neither the sins nor the sufferings of those now dead are within our power to change. Being honest and honorable with the people living in our own time is more than enough moral challenge, without indulging in illusions about rewriting moral history with numbers and categories.

SCHOOL BUSING. It is chilling to hear parents say that the worst racists they know are their own children. Yet such statements have been made by black and white parents, liberals and conservatives, and without regard to geographical location. It is commonplace to hear of integrated schools where no child of either race would dare to enter a toilet alone. The fears and hatreds of these schoolchildren are going to be part of the American psyche long after the passing of an older generation of crusading social experimenters. It is quite a legacy to leave.

The ringing principles of equal rights announced in the 1954 Supreme Court decision in *Brown* v. *Board of Education* have been transformed by twenty years of political and judicial jockeying into a nightmare pursuit of elusive statistical "balance." The original idea that the government should not classify children by race was turned around completely to mean that the government must classify children by race. The fact that the racial integration of youngsters from similar backgrounds has worked under voluntary conditions was seized upon as a reason for forcing statistical integration of schoolchildren, without regard to vast contrasts of income, way of life, or cultural values. Considerations of cost, time, feelings, or education all give way before the almighty numbers. As more and more evidence of negative consequences to the children has piled up, the original notion that this was going to benefit somebody has given way to the idea that "the law of the land" has to be carried out, even if the skies fall. Less grandly, it means that judges cannot back off from the can of worms they have opened, without admitting that they have made asses of themselves.

The civil-rights establishment has a similar investment of ego and self-interest to protect. The NAACP Legal Defense Fund now insists that the issue is not "educational" but "constitutional." This might be an understandable position for an academic association of legal theorists, but not for an organization claiming to speak in the name of flesh-and-blood black people—people who reject busing in nationwide polls and who reject it by large majorities in cities where it has been tried. The head of the NAACP Legal Defense Fund brushes this aside by saying that they cannot ask "each and every black person" his opinion before proceeding, but the real question is whether they can consistently go counter to the majority opinions of the very people in whose name they presume to speak.

The tragic Boston busing case shows all these institutional ego forces at work. Local black organizations urged Judge Garrity *not* to bus their children to South Boston, where educational standards were notoriously low and racial hostility notoriously high. Both the NAACP and the judge proceeded full-speed-ahead anyway. Black children were forced to run a gauntlet of violence and insults for the greater glory of institutional grand designs. In Detroit, Atlanta, and San Francisco the NAACP also opposed local blacks on busing—including local chapters of its own organization in the last two cities. The supreme irony is that Linda Brown, of *Brown* v. *Board of Education*, has now gone into court to try to keep her children from being bused.

That "a small band of willful men" could inflict this on two races opposed to it is a sobering commentary on the fragility of democracy. Moreover, what is involved is not merely mistaken zealotry.

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What is involved is an organization fueled by money from affluent liberals whose own children are safely tucked away in private schools, and a crusade begun by men like Thurgood Marshall and Kenneth B. Clark whose own children were also in private schools away from the storms they created for others. The very real educational problems of black children, and the early hopes that desegregation would solve them, provided the impetus and the support for a crusade that has now degenerated into a numerical fetish and a judicial unwillingness to lose face. What actually happens to black children, or white children, has been openly relegated to a secondary consideration in principle, and less than that in practice.

The 1954 *Brown* decision did not limit itself to ruling that it is unconstitutional for a state to segregate by race. It brought in sociological speculation that separate schools are inherently inferior. Yet within walking distance of the Supreme Court was an all-black high school whose eighty-year history would have refuted that assumption—if anyone had been interested in facts. As far back as 1939, the average IQ at Dunbar High School was 11 per cent above the national average—fifteen years before the Court declared this impossible. The counsel for the NAACP in that very case came from a similar quality all-black school in Baltimore. There are, and have been, other schools around the country where black children learned quite well without white children (or teachers) around, as well as other schools where each race failed to learn, with or without the presence of the other. The most cursory look at the history of all-Jewish or all-Oriental schools would have reduced the separate-is-inferior doctrine to a laughingstock instead of the revered "law of the land."

The Court's excursion into sociology came back to haunt it. When the end of state-enforced segregation did not produce any dramatic change in the racial makeup of neighborhood schools, or any of the educational benefits anticipated, the civil-rights establishment pushed on for more desegregation—now stretched to mean statistical balance, opposition to ability grouping, and even the hiring and assignment of teachers by race. If the magic policy of integration had not worked, it could only be because there had not yet been enough of it! Meanwhile, the real problems of educating real children were lost in the shuffle.

However futile the various numerical approaches have been in their avowed goal of advancing minorities, their impact has been strongly felt in other ways. The message that comes through loud and clear is that minorities are losers who will never have anything unless someone gives it to them. The destructiveness of this message—on society in general and minority youth in particular—outweighs any trivial gains that may occur here and there. The falseness of the message is shown by the great economic achievements of minorities during the period of equal-rights legislation before numerical goals and timetables muddied the waters. By and large, the numerical approach has achieved nothing, and has achieved it at great cost.

Underlying the attempt to move people around and treat them like chess pieces on a board is a profound contempt for other human beings. To ignore or resent people's resistance—on behalf of their children or their livelihoods—is to deny our common humanity. To persist dogmatically in pursuit of some abstract goal, without regard to how it is reached, is to despise freedom and reduce three-dimensional life to cardboard pictures of numerical results. The false practicality of results-oriented people ignores the fact that the ultimate results are in the minds and hearts of human beings. Once personal choice becomes a mere inconvenience to be brushed aside by bureaucrats or judges, something precious will have been lost by all people from all backgrounds.

A multi-ethnic society like the United States can ill-afford continually to build up stores of intergroup resentments about such powerful concerns as one's livelihood and one's children. It is a special madness when tensions are escalated between groups who are basically in accord in their opposition to numbers games, but whose legal establishments and "spokesmen" keep the fires fueled. We must never think that the disintegration and disaster that has hit other multi-ethnic societies "can't happen here." The mass internment of Japanese Americans just a generation ago is a sobering reminder of the tragic idiocy that stress can bring on. We are not made of different clay from the Germans, who were historically more enlightened and humane toward Jews than many other Europeans—until the generation of Hitler and the Holocaust.

The situation in America today is, of course, not like that of the Pearl Harbor period, nor of the Weimar republic. History does not literally repeat, but it can warn us of what people are capable of, when the stage has been set for tragedy. We certainly do not need to let emotionally combustible materials accumulate from ill-conceived social experiments.

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The Education of Alfred Kazin

Robert Alter

Criticism is essentially speculative discourse concerned with ideas and values of life. The better the critic, the more he will contribute to our understanding of life in general; but he must do this in the critic's own way, solidly commenting on the text before him.

—ALFRED KAZIN, *Contemporaries*

Truth in autobiography is not merely fidelity to fact or conformity to "likeness," to the way one appears to others, but rather the projection of a story of successive self-images and recognitions or distortions of those self-images by the world; it is the story of identity as the tension between self-image and social recognition.

—STEPHEN A. SHAPIRO, "The Dark Continent of Literature: Autobiography"

THERE is something hauntingly American about the career of Alfred Kazin. A young man from the provinces (for the Brownsville section of Brooklyn could be that, as much as any one-horse town in Ohio or Mississippi), he launched himself as a writer with that terrific energy of will and ambition which so often has been elicited by the fiercely competitive, ultimately lonely nature of intellectual life in this country. His first book, *On Native Grounds* (1942), is very much a critic's equivalent of the Great American Novel with which so many writers of fiction have sought to make their debut—the big book that could take in the whole sprawling panorama of the country, capturing its vast secret life, and that could eclipse all literary rivals in the bold authority of the writer's comprehensive vision.

Lionel Trilling, greeting *On Native Grounds* in a review in the *Nation* with somewhat grudging praise—Kazin would later misremember it as a "very warm" reception—observed that "The typical fate of the American writer is to burst forth with the perception of a moment, impress it on us, and die." Trilling was of course referring to the writers discussed by Kazin, but, in retrospect, the statement has a certain ironic applicability to the author of *On Native Grounds* as well. Early literary mortality has certainly not proved part of his fate: in the three-and-a-half decades since the publication of *On Native Grounds*, Kazin in fact has been a steadily active and often salutary presence in American criticism. Yet there is a sense in which the great meteor glare of this first book faded into a kind of diffuse luminescence, occasionally offering moments of illumination in the long series of reviews and essays and in the three autobiographical volumes he would write, but never equaling that initial revelatory intensity.

In order to set this last remark in perspective, let me stress that *On Native Grounds* is an astounding book for any critic to have written between the ages of twenty-two and twenty-seven. A massive critical history of major American prose writers—including social commentators, historians, and critics as well as novelists—from the 1890's to the end of the 1930's, it embodies a wealth of intelligently assimilated reading that would have taken many assiduous scholars half a lifetime to acquire. Kazin's own writing in the book is vivid, repeatedly resourceful, at its best eloquent, and as he calls up writer after writer in this long, patient procession, he exercises a steady, often shrewd power of judgment that one might easily associate with someone twice the age he was at the time of writing.

At the beginning of his latest autobiographical volume,* Kazin provides a graphic evocation of his five years of labor over *On Native Grounds*. Day after day, he would make his way to Room 315 of the New York Public Library and, with a quiet sense of self-possession and even of exhilaration, he would for hours on end work through the yellowing pages of long defunct journals and obscure literary productions that put him in touch with America as it was when his immigrant parents first reached these shores. "I was my own staff researcher, a totally unaffiliated free lance and occasional evening college instructor who was educating himself in the mind of America by writing, in the middle of the Great Depression, a wildly ambitious literary and intellectual history." This enormous self-imposed effort, he notes with candor, gave him access in a double sense to the America which had seemed so much beyond him

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* *New York Jew*, Knopf, 307 pp., $10.95.

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on the other side of the Brooklyn Bridge, during his Brownsville boyhood. By acquiring a sure control of three continuous generations of American literary culture, he was taking possession, in a disciplined act of the imagination, of the America that had till then eluded him; and by shaping a first big book in this imposing public edifice, itself erected early in the period he was studying, he was palpably entering into a sphere of high culture and upward mobility which he had barely glimpsed from the tenement windows of his childhood. "Even the spacious twin reading rooms, each two blocks long, gave me a sense of the powerful amenity that I craved for my own life, a world of power in which my own people had moved about as strangers."

On Native Grounds resoundingly realized both the intrinsic intellectual aims and the career aspirations of its author. The book was remarkably successful, in ways I shall try to characterize in a moment, in capturing the mind of America as it was reflected in half a century of serious prose writers. At the same time, the single decisive gesture of producing this book made Kazin virtually overnight an authoritative voice in American criticism. Proposals from publishers, teaching positions, fellowships, invitations to lecture at home and abroad, easy social access to the leading figures of cultural life—all the "powerful amenity" he had craved—flowed steadily in the course of time from this first extraordinary achievement. The corridors of success were open in every direction; Kazin's chief problem was where to go as a writer after having started at such a point of culmination.

On Native Grounds is subtitled "An Interpretation of Modern American Prose Literature." Though "interpretation" is applicable enough, the book is even more the *story* of modern Amercian prose literature. The two faculties most abundantly exercised are narrative and evaluative; their conjunction gives the book both dynamic movement and tensile strength as a record of the evolution of American writing from 1890 to 1940. The evaluative activity draws a special sharpness from the perspective brought by the writer as a young man from an immigrant neighborhood sitting in the splendid vastness of the 42nd Street library. "I still thought of myself then," Kazin was to write of his own adolescence in *A Walker in the City*, "as standing outside America. I read as if books would fill my every gap, legitimize my strange quest for the American past." In *On Native Grounds*, that strange quest is in effect projected onto the American writer, or, to put it more fairly, becomes the means for acutely perceiving the special predicament of the American writer.

America is imagined as an enormous, evolving, protean, hateful, beloved, tantalizing subject which these writers in their varying ways pursue, assault, grapple with, but almost always finally fail to hold firmly in the embrace of their work. This was precisely the aspect of *On Native Grounds* with which Trilling took issue in his review, objecting to the repeated assessment of writers in terms of what they were *not* able to achieve. That tendency is occasionally responsible for an aberrant judgment, as in Kazin's vehement attack on Faulkner (for a dozen pages the young critic inveighs against "the besetting and depressing looseness, the almost sick passivity, of [Faulkner's] basic meaning and purpose"; within a few years, however, he would quietly withdraw from this position and become a celebrant of Faulkner's genius). More frequently, the inclination to measure writers by the distance between their work and the social, historical, and moral realities they sought to engage enables him to combine a keen appreciation of recent American writing with a clear, steady overview of its deficiencies. That balance of perspective is often perceptible in a single well-turned phrase of summation, as in the characterization of *The Great Gatsby* as "moodiness at the pitch of genius." It is even clearer in the paragraphs of assessment with which Kazin concludes his account of each writer. Here, for example, is his summing-up of the achievement and failure of Hemingway:

> The "I" was the emblem of all the disillusionment and fierce pride in a world so brilliant in its sickness; and the sentences were so perfect, spanning the darkness. It did not matter then that art could be so fresh and brilliant, the life below its superb texture so arid and dark. For Hemingway's is one of the great half-triumphs of literature; he proved himself the triumphal modern artist come to America, and within his range and means, one of the most interesting creators in the history of the American imagination. But . . . his work is a stationary half-triumph, because there is no real continuity in him, nothing of the essential greatness of spirit which his own artistic success has always called for. . . . It is a triumph in and of a narrow, local, and violent world—and never superior to it.

This judgment, we should remember, was made when Hemingway was in mid-career: its soundness would be amply confirmed by the inadvertently self-parodying books that Hemingway was to write in the long years of his decline. The strategy of the passage nicely illustrates where Kazin works best, and where he chooses not to work, as a critic. I have spoken of a dominant narrative faculty in *On Native Grounds*, but it is important to note that the leading edge of narration as he manages it is evocation. For writer after writer, he finds ways through the imaginative deployment of imagery and rhythm and mimetic diction in his own prose to evoke the felt qualities of life in the books he is discussing. The paragraphs preceding

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the one I have quoted brilliantly conjure up the characteristic stances and tonalities of Hemingway's fiction (all of what Nabokov once tartly referred to in an interview as "bells, bulls, and balls"). The first two sentences of the excerpt, with their image of perfect prose spanning the darkness and their anaphoric repetition of the adverbial intensifier, "so," continue this work of evocation. The rest of the excerpt is composed of a series of categorical judgments which are not really explained and yet escape seeming to have been made *ex cathedra* because one feels in them the weight of a mature sense of the responsibilities of art, of the seriousness of the relationship between art and reality. In the late 70's, when the very notion of mimesis has become critically unfashionable in certain circles, such expectations of literature could strike some observers as old-fashioned and quaintly moralistic. But for that very reason, we may have more need than ever for the articulation of this stance by so intelligent a critic.

Now, there is one significant critical activity not evident in the passage, or in the book as a whole, and its absence may help explain a good deal about Kazin's subsequent career. Between narration or evocation and evaluation there is no expository bridge of analysis. The author of *On Native Grounds* is a voracious reader and a highly sensitive one, but he has no technical tools for coping with works of fiction or with the medium of prose as complex formal entities. A major symptom of this lack is his total dismissal of the New Critics, whom he confuses entirely with their conservative Southern Agrarian ideology, and whom he sets at a dead level on the Right with the party-line Marxist critics on the Left. One may sympathize with his objections to the excesses of the New Critics and yet marvel at his failure to recognize that at their best they had opened new vistas on the richness and the intellectually demanding nature of poetic experience. It is instructive that, in contrast to his negative judgment of Faulkner, Kazin has never recanted on his rejection of the formalist critics, continuing to cast jibes at them over the years, apparently choosing to view all minute textual analysis as intrinsically arid and pedantic.

Of course, not every critic need be a formalist, but I think the moral and social critics like Trilling—his review of Kazin actually demurred from his vehement judgment of the New Critics—and Edmund Wilson, who were in part models for Kazin, evinced a subtler, more minutely attentive concern with literary form than he has, even if they only occasionally made that concern explicit in their explorations of the moral, psychological, political, and cultural issues raised by literary works. Form does not have to be the primary object of the critic's attention, but it is a necessary object, for it is only in form that literature embodies its meanings, gives them substance and nuance and resonance different in kind from extra-literary discourse. Kazin has proposed that the critic's role is to "contribute to our understanding of life in general," to which he properly adds that this must be done "in the critic's own way, solidly commenting on the text before him." The limits of his own achievement as a critic, I would suggest, after the large and compelling literary-historical narrative he fashioned in *On Native Grounds,* are determined by the fact that he has had no adequate analytic vantage point for getting into those texts to be commented on.

For after the signal accomplishment of his first critical work, thirty-one years passed before Kazin wrote another book on literature. I would not consider his two collections of fugitive pieces, *The Inmost Leaf* (1955) and *Contemporaries* (1963), books in the proper sense, for both are miscellaneous assemblages, mostly of reviews, with some brief magazine articles and just a few substantial critical essays. (Again, the contrasting example of Trilling and Wilson makes the point clear. *The Liberal Imagination* and *The Wound and the Bow* are collections which are real books because each is composed of carefully meditated essays that, taken together, produce a central critical argument.) One thinks of the critical essay as the vehicle par excellence of the New York critic; but in all his years as a reviewer and occasional journalist, Kazin has produced only half a dozen or so literary pieces that even clearly belong to that category. Of these, perhaps three might be called memorable: his finely reflective placing of Blake in "An Introduction to William Blake" (1946), and his eloquent evocations of the solitude and terror in Melville and Faulkner, "Ishmael and Ahab" (1956) and "The Stillness of *Light in August*" (1957).

Kazin's one attempt, moreover, to write another integrally conceived critical book, *Bright Book of Life* (1973), proved in most respects unfortunate. He may well have thought of this survey of American fiction since World War II as a kind of modest sequel to *On Native Grounds,* but unlike the earlier volume, it has no real focus—no story to tell—and not a great deal of evaluative perspective. As his rapid evocation of several dozen writers, rather arbitrarily grouped in topical chapters, rolls on, there are occasional moments of bright perception in the series of impressions and improvised ideas offered (as, for example, in his suggestive pages on Malamud), but there is much belaboring of the obvious, a certain degree of conceptual fuzziness, and no ultimately coherent definition of the large subject. *Bright Book of Life* is an attempt to write literary history with the reflexes of a reviewer, but without the sharpness of evaluative judgment that Kazin himself has so often exercised as a reviewer. Where the young man from Brownsville perched at his desk in

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Room 315 of the New York Public Library had somehow achieved an Olympian vision of the recent American literary past in its major continuities and directions, the seasoned critic could find no sufficient post of observation from which to encompass the confusion of realms that comprised the contemporary literary scene.

But if Kazin is a one-book critic, he is in many respects an ideal reviewer, and with his fund of literary and historical knowledge and his directness and clarity of style, he has been able to write comfortably for a spectrum of journals from the intellectual (*New York Review of Books,* COMMENTARY, *Partisan Review*), to the middlebrow (New York *Times Book Review, Atlantic, Harper's, New Republic, New Yorker, Esquire*). Close analysis in any case has little place within the restricted compass of a review, while his skills of evocation and evaluation stand him in good stead. He brings to bear on the review of a new book a breadth of literary and intellectual culture never ostentatiously displayed, and a savvyness, an essential sanity, in his critical judgments, which in his best pieces is altogether bracing. To be sure, all of us who review frequently enough are bound sooner or later to make certain judgments that many will consider wildly off-the-mark, but, looking back over Kazin's old reviews, I am impressed by how often he has proved perfectly right about an author, even when there was little of the writer's work as yet to go on, or when the winds of literary fashion were whisking lighter-headed reviewers to very different conclusions.

At a moment when Lawrence Durrell was being widely celebrated as the legitimate heir to Proust and Joyce, Kazin was able to see that *The Alexandria Quartet* was no more than an alluring confection, and he could sum up the limited nature of Durrell's gift with this beautiful precision: "Mr. Durrell seems to me fundamentally a writer concerned with pleasing his own imagination, not with making deeper contact with the world through his imagination, as Proust and Joyce did." Reviewing *Goodbye, Columbus,* he admires Philip Roth as a fresh, bold talent but shrewdly perceives the potential for tendentiousness and grating schematism that would be realized with lamentable effects in Roth's later career: "He has intelligence and courage aplenty; what he needs is more of the creative writer's delight in life for its own sake, in figures that do not immediately signify a design." The vivid review of *Advertisements for Myself*—"[Mailer] is as fond of his style as an Italian tenor of his vocal cords"—balances a recognition of Mailer's imaginative power with an apprehension of where all his bravado might lead. The prescience of Kazin's concluding sentence, which glimpses the disastrous trajectory of narcissism on which Mailer's writing was to travel, flows not from any critical principle or technique but simply from a mature awareness of the vital conditions of good writing: "But what will become of him God only knows, for no one can calculate what so overintense a need to dominate, to succeed, to grasp, to win, may do to that side of talent which has its own rule of being and can never be forced." Such sureness of judgment and amplitude of perception suggest that the major critic so clearly announced in *On Native Grounds* had not disappeared but instead had withdrawn his activity to the brevity and transience of a minor critical form.

MEANWHILE, floundering around for several years after the appearance of his first book, Kazin discovered his subject toward the end of the 40's in a direction he had not anticipated. His big book had dealt with the American culture he wanted to penetrate, in which he would realize himself. The subject of all his really sustained writing afterward was to be the story of the particular self that had crossed the distance, so small in space, so immense in the realm of values, between Brooklyn and the heights of Manhattan. *A Walker in the City* (1951) covers Kazin's formative years until his graduation from high school. *Starting Out in the Thirties* (1965) traces the period of his literary apprenticeship in methodical chronological order till 1940. Now, *New York Jew* takes up the writer's career at the point when he was completing *On Native Grounds* and, with a variety of temporal jumps and telescopings, follows it to the present. Autobiography by its nature involves mixed modes of writing, but one can observe certain broad differences in emphasis from volume to volume in Kazin's trilogy: he is lyrical in *A Walker in the City,* more strictly narrative in *Starting Out in the Thirties,* and in *New York Jew*—in my view, the richest of the three books—more historical, reflective, even satirical.

A Walker in the City was rapidly acclaimed as a classic of American autobiography, but at a distance of a quarter of a century, I am led to suspect that at least some of its appeal during the 50's can be attributed not to intrinsic virtues of the book but to its role as a document of the new American pluralism after the war and as an expression of the American Jewish intellectual's newfound nostalgia for Jewish origins. Toward the end of that decade, Kazin would remark in a travel essay that the hopes stirred by America "can arise only from an identity of one's own and a specific tradition sharp enough to arouse the possibility of its fulfillment in this country. Otherwise there is no spiritual marriage at all between America and its newcomers, and the great epic of immigration simply becomes a picture of the lesser breeds attached to the white Protestant majority." *A Walker in the City* is very much a testimony to this principle, a record of such a spiritual marriage, as is, in analogous ways, Bellow's *The Adventures of*

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Augie March, published just two years later. Interestingly, both books draw on Whitman, the great American rhapsodist, and both may be flawed, though in rather different ways, by a certain tendency to Whitmanesque lyric effusion. What Kazin does convey with great poignancy is the boy's unfulfilled yearning for America, his self-conscious awkwardness with the very language of the country (painfully compounded by a speech defect) in the judgmental presence of his "proper American" schoolmistresses. The growing child's relationship with his immigrant parents is also persuasively handled. If the figure of the virtuous boy, as Kazin himself observes in *New York Jew,* is something of "a manikin," "a necessary fiction," he does serve well enough as one fixed self-image that can be tested against the resistant medium of American reality, that can be maneuvered to get a special bearing on American reality.

What is odd and finally symptomatic about *A Walker in the City* is that its Jewish milieu, the very aspect of the book most often praised by its early reviewers, should be so vague and imprecise. Supposed snatches of liturgy are pastiches of imperfect memory and invention. Bearded Jews are picturesquely evoked "every day at twilight, wrapped in their black-striped prayer shawls," though in fact Yom Kippur is the only day of the year when the prayer shawl is worn at twilight. The identifying Hebrew words for kosher meat painted in the windows of butcher shops, *boser kosher* (in the Yiddish pronunciation) are turned backward and slurred as *Kosher-Bosher,* apparently on the analogy of "hocus pocus," and are unaccountably characterized as a "liturgical refrain." The Master of the Universe Himself, the *Ribonoshel-Olam,* is deprived of His majestic initial syllable and garbled into *Beneshalélem,* a term which Kazin appears to derive from the Yiddish verb *bentshn,* rendering it as "Bless the Lord!" I am not proposing that an autobiographer has the obligations of factual precision that should govern a historian or a philologist, but I would suggest that there is something awry when the very culture in which the autobiographer purports to find his roots is imperfectly known and badly recalled.

AFTER his great critical confrontation with the American tradition in *On Native Grounds,* Kazin would repeatedly affirm the importance of his Jewishness, often in the autobiographical volumes, occasionally in his literary journalism. The position he has taken on this question of identity is honorably self-respecting, manifestly sincere, but at the same time peculiarly disembodied. Some words about the sense of self-respect are in order first, because that sense faithfully reflects Kazin's special location among successive generations of American Jewish intellectuals.

Coming of age during the years when a major European power was arraying itself against the Jewish people, which it had elected as its preeminent adversary and destined victim, Kazin could not accept the view of his advanced intellectual friends that the Jews were an irrelevancy, a vestigial trickle left behind by the mainstream of Western history, a bothersome anachronism to be transcended. "Even in Hitler Germany," he observes with a kind of grim satisfaction in *Starting Out in the Thirties,* "to be Jewish was to be at the heart of things." Impelled by such a perception, Kazin could seek a place for himself at the very center of American literary life without feeling any need to deny his origins, or to assume the manner of a facsimile Wasp.

His encounters with Bernard Berenson and Lionel Trilling, both recorded in *New York Jew,* memorably illustrate the stance as a Jew he adopted in contrast to his predecessors. Berenson, fifty years his senior, had been a poor Lithuanian yeshivah student before he came to America and Harvard, and from there went on to his distinguished career as an art historian and authenticator of old masterpieces. First Berenson converted to Episcopalianism, later to Catholicism, and in his preening old age, when Kazin met him, he was pleased to let others deferentially identify him as a member of the "Jewish aristocracy." Kazin expresses wonder mingled with contempt for this man who had turned his whole life into such a beautiful lie and who in his declining years seemed to be haunted by the hollowness of his own accomplishment: "As a work of art, Berenson himself was incomparable, but there was hardly anyone left to authenticate *him.*"

If Berenson was hopeless worlds away from Kazin, Trilling and Kazin were separated by just the minimal distance in historical location sufficient to generate cold currents of suspicion beneath a surface of mutual respect. Trilling, ten years older than Kazin, had entered intellectual life in the 20's, and Kazin attributes much of Trilling's personal and critical manner to the casual, gentlemanly style of the 20's, which he contrasts to the abrasiveness and the social anger of the 30's that he feels shaped his own sensibility and that of his exact contemporary, Saul Bellow. Kazin marvels over the studied refinement of this son of a Jewish immigrant tailor, his unflagging ability in speech and writing to preserve the poise and propriety of the genteel English writers he searchingly studied. "For Trilling I would always be 'too Jewish,' too full of my lower-class experience. He would always defend himself from the things he had left behind. This would go on and on for thirty years; it was *the* barrier, like his fondness for the words 'scarcely,' 'modulation,' 'our educated classes.' "

Such forthright refusal of any pretense, any denial of origins, is surely admirable, but beyond the simple avowal of identity and a certain intellectual style, Jewishness has remained for Kazin a

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plangent abstraction, a desiderated *idea* hovering somewhere in the back of his existence, never playing a solidly detectible part in his visible vocation as a writer. Hence the vibrant evocation in *A Walker in the City* of Jewish scenes he doesn't quite know, which are usually just a little off in detail. Hence the clustering of words like *mysterious, ancient, God, belonging* when he writes of his Jewish antecedents, both in this first autobiographical volume and later. I have said that Kazin's Jewish affirmations are manifestly sincere. What one senses in his invocation of mysteries and divinity, of the very term "tradition" and even of the Holocaust, is the truth of feeling, insufficiently supported by the truth of cognitive clarity or the truth of concrete experience.

At the beginning of *New York Jew,* Kazin flatly asserts: "The Jews are my unconscious." If one were to construe "unconscious" rigorously, the statement would be nonsense, but it works, suggestively and revealingly, as a metaphor. To the Manhattan sophisticate, moving through the glitter of New York, in touch, as he tells us, with the pulsating centers of power that are the chief fascination of the great city, the Jews represent a primal realm of struggle for bare survival, a constant condition of raw vulnerability, perhaps a closeness to the instinctual, to what is opaque and intractable and scary or awesome about human existence. The Jews, in other words, become the substance of a personal myth, which may be viable as a "fable of identity" (to borrow Northrop Frye's phrase), but which as a writer's perspective seems more appropriate to the poet, who is led by the nature of his medium to link the here-and-now with the eternal and the archetypal, than to the critic, who deals with the observable realities encoded in text, culture, and history.

For Kazin himself is at his best in his acute treatment of observable realities, perhaps more strikingly in *New York Jew* than in anything else he has written. After the recollection in tranquility of the emotions of childhood that constituted *A Walker in the City,* he undertook in both subsequent volumes of his trilogy two discrete roles, that of the autobiographer and of the memoirist. I would contend that he is an uneven autobiographer but a gifted, even brilliant, memoirist.

TRUTH in autobiography, as Stephen Shapiro has written in a perceptive essay, flows from the repeated encounter of self-image and society, but I would add that as readers we must sense that this encounter is informed by some adequate confrontation between writer and self. Adequate does not mean comprehensive, for every autobiographer has some bias of selection in recording his own past. Gibbon in his autobiography gives us only those elements of his experience that shaped the author of *The Decline and Fall of the Roman Empire*; Nabokov in *Speak, Memory* presents the childhood and early manhood that would lead to his luminous fictional visions of lost Edens. In successful autobiographies such as these, we feel that we are given all we really need to know, for once the bias of selection is established, the writer, within its limits, pursues the task of self-revelation consistently, probingly, and, if need be, ruthlessly.

The problem I find with Kazin as an autobiographer is that the self-revelation is so intermittent and at times so teasingly elliptical. The manikin of the virtuous boy in the first volume of the trilogy seems to have been succeeeded at many points in the two subsequent volumes by the manikin of a virtuous man, the recorder of experience making himself only occasionally an object of real self-scrutiny. When we are given, then, brief glimpses into the intimate life of the writer—like the breakup of his first two marriages, the fluctuations of his relationship with his present wife—they seem a little out of place, sometimes almost embarrassing, and are generally vouchsafed with a vagueness or schematic quality that makes them less than convincing. Kazin, it seems to me, either should have been much more unsparing in reporting these aspects of his life or (as I am more inclined to think) he should have excluded them entirely as irrelevant to the story of the growth of the critic's mind in the pungent atmosphere of the New York intellectual world. There are, to be sure, some notable exceptions to the rule I have proposed. In *New York Jew,* one might mention in particular the moving autobiographical accounts of the deaths of the writer's parents, which are handled with candor, passionate intensity, and delicacy of feeling. But, by and large, the last two volumes of the trilogy convey at best a fragmentary sense of an evolving self; more often, we find ourselves in the presence of an unquestioned self, secure in its wisdom and virtue, scrutinizing the world around it.

That, of course, is the stance of the memoirist, whose task is not to tell his own story, but the story of his times as he has witnessed them. This does not mean that the memoirist is an "objective" observer. On the contrary, the sharpness of his version of important people and public events depends on his having been engaged in what he observes, on his seeing the human immediacy of his subjects through the vivifying air of his own sympathies and antagonisms as a narrator intimately involved with the materials of his narration. Kazin's concise, deftly written accounts of the tenor of intellectual life during the Marxist 30's, the deradicalized postwar era, and the haywire 60's, are lucid, persuasive, and eminently sane. Readers who look too hard at the autobiographer himself may be a little put off by what could be construed as an edge of complacency about his own unflagging reasonableness through the follies of three decades, but viewed as a memoirist, re-

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cording his times from the vantage point of his own opinions and values, he can hardly be faulted. In any case, the most brilliant writing in *New York Jew* (there are already a few intimations of it in *Starting Out in the Thirties*) is not in generalizations about the age but in the individual portraits of writers Kazin has known.

His prose is never more alive than when he is doing these character studies, as he manages to attend simultaneously to the visual details of portraiture, to the psychology of his subjects, and to the themes and strategies of their work. Thus, he writes of T.S. Eliot, whom he visited in London in 1945: "That altogether fastidious figure with a nose that ended in a delicate little sea shell had somehow concentrated itself into a single self-protective gesture." The perhaps excessive sharpness of the wit here is immediately balanced by two ample paragraphs of sympathetic reflection on Eliot the man and the poet which conclude on this note: "He impersonated a flight from emotion that could fool no one who read two lines of his verse." Or again, with more of a dramatic flourish, Kazin, in the midst of a long discussion of Hannah Arendt, makes the following connection, at once causal and vigorously rhetorical, between her recurrent theme of a "decisive break with tradition" and her personal situation as an exiled German intellectual in Manhattan: "Definitely, there had been a break. Her presence on the West Side was like Lear's on the heath. The kingdom had been rent. Breakup was her life and everyone's now."

All of these character studies, of course, are observed through the refracting medium of Kazin's personal relation to the subjects, but because they are observed so keenly, in the full impetus of personal feeling, their value as testimony about the people in question is actually enhanced. At one extreme, Kazin's devastating account of Mary McCarthy toward the end of *Starting Out in the Thirties*, which is matched by an occasional brief vitriolic portrait in *New York Jew*, may well be the result of some long-festering personal wound. One assumes there is more to be said about any of these hostilely perceived figures, but his writing makes us believe that he has caught at least one hard cutting edge of their social operation among fellow intellectuals. More typically, Kazin writes with a guarded, critically distanced admiration that does not exclude lively sympathy, or with a subtler kind of antagonism balanced by a good critic's desire to exercise fairness of judgment.

The most interesting of his mixed portraits, and also the most extended, is his treatment of Lionel Trilling, who clearly has been important to him, as a model, a competitor, and an intellectual eminence who never altogether accepted him. We have already seen how Kazin contrasts his own personal style, social allegiance, and Jewish affiliation with Trilling's. He traces his wariness about Trilling to their first meeting in the office of the *New Republic* in the early 40's. The younger man sensed an "immense and even cavernous subtlety" in the author of the study of Matthew Arnold which he had admired, and if the physical description of Trilling in *New York Jew* reflects a certain personal edginess, it nevertheless captures something essential about Trilling's presence: "With the deep-sunk colored pouches under his eyes, the cigarette always in hand like an intellectual gesture, an air that combined weariness, vanity, and immense caution, he was already a personage." In the pages that follow, and again later in the book, there is a good deal of open polemic with the elusiveness of Trilling's political positions, his subtle role in the process of deradicalizing American intellectuals, and with what Kazin construes as the oddly Victorian notion of "culture" which he claims displaced abrasive earthly realities in Trilling's work. "No one," Kazin notes in one of his epigrams, "could have been more discerning, and less involved." One could object that he misperceives certain basic aspects of Trilling's critical enterprise, and that he insists too harshly on Trilling's supposed self-importance, but even in his antagonism he never allows himself to forget his rival's extraordinary fineness of mind, or how Trilling set new high standards in using the critical essay as a dramatization of the fluctuating life of the mind: "A writer of tremulous carefulness and deliberation, he nevertheless became the master of a dialectical style that expressed his underlying argument with himself."

I HAVE deliberately invoked the language of rivalry because the one pervasive element of the New York intellectual world that Kazin reflects most sharply is its unrelenting competitiveness. His was the first full-grown generation of American-born sons of the Jewish immigrants from Eastern Europe. From the Lower East Side, Brooklyn, and the Bronx, from as far away as Chicago's South Side, they congregated during the 30's and 40's in Greenwich Village, in the midtown publishing offices and the academic centers of Manhattan, each impelled by a formidable sense of his own high destiny in literary life, each guided by a calculating wariness about the necessary means for achieving that destiny. Paul Goodman, unabashedly proclaiming himself in conversation the best poet, playwright, and literary theorist around, exerted a "power over people" that "visibly enlarged him in the moment of contact." (As Kazin goes on to elaborate this metaphor, he clearly intends a sexual innuendo.) The young Saul Bellow exhibited a sense of superiority that was less the quasi-erotic reflex of a need for self-assertion, more firmly anchored in an absolute faith in his own large talent: "The proud novelist-to-be, like the young Joseph in the Bible, airily

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confided his dreams of greatness to his brothers; he would be quick to divide the world into allies and enemies." Trilling in his thirties, just rising to prominence, solemnly told Kazin, then on the staff of the *New Republic,* that he would write nothing for the magazine that did not "promote my reputation." Kazin claims to have been amused and simultaneously struck with wonder at "the tight-lipped seriousness" with which Trilling could invoke his "reputation," but the drive of ambition that at such an early age had led to so imposing a work as *On Native Grounds* suggests that Kazin himself aspired to reputation with equal ardor, though in a rather different style.

A singleminded intentness on getting ahead in the world among the offspring of an immigrant group is a familiar enough phenomenon in many spheres of endeavor. What is noteworthy about these newcomers to the centers of American literary power is the extraordinary confidence in their own future that so many of them evinced. If great men, as Freud observed, start out in life with an enormous fund of unqualified mother love, one might speculate that the powerful Jewish mother, notorious for her smothering affection, might have played a far more constructive role than is generally allowed, and that the Jewish father of immigrant background, usually thought of as a weak and ineffectual figure, may have actually provided in many instances a strong model for an assertive male role.

Be that as it may, the essentially competitive nature of this whole intellectual milieu of the 30's and 40's in which the sons of the Yiddish-speaking immigrants began their careers had ambiguous effects. It obviously impelled writers to great efforts of achievement, but I think it also sometimes directed energies that should have been channeled into intellectual work toward mere self-promotion and the nervous maneuvers of warring personalities and cliques. This did not necessarily mean that people wrote less than they should have but rather that what they wrote was too narrowly, too self-consciously intended to be an incessant demonstration—as with Paul Goodman and, beginning a decade later, Norman Mailer—that they were first in the field.

Kazin made his initial ascent on a surer road, concentrating with scholarly patience on the variety and complexity of his large subject, obtaining the authority he wanted through the mastery of the subject. Yet in his case, too, there is a poignancy about the imponderable consequences of ambition pursued and consummated. He would remain an alert commentator and a skillful writer, but he has not since been able to summon up the resources of sustained will that produced his first precocious achievement. In that first book, he made himself intellectually one with the American cultural tradition, and through the deserved success of the book, he made himself socially one with the New York literary elite. But both these ends having been accomplished, it seems as though he had lost the motive for finding a great new subject which would require an architectonic effort of the critical imagination. What chiefly remained for him was a lesser role, though one he would forcefully enact, to become the chronicler of life among the intellectuals, whose world he had so swiftly conquered.

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Buggings, Break-Ins & the FBI

James Q. Wilson

THE indictment, on April 10, of three former high-ranking officials of the Federal Bureau of Investigation for having directed agents to use surreptitious entries—"black-bag jobs"—in an effort to locate Weather Underground fugitives raises important questions, not simply of the guilt or innocence of the accused, but of the relationship between constitutional guarantees of privacy and the problems of investigating well-organized conspiracies. We do not want the police breaking into our homes or rifling our mail; we also do not want political terrorists or organized-crime syndicates operating in defiance of the law because of their invulnerability to conventional investigative techniques. A line has to be drawn, but so far the government has not done a very good job of drawing it.

L. Patrick Gray, W. Mark Felt, and Edward S. Miller were indicted for conspiring to "injure and oppress citizens of the United States who were relatives and acquaintances of Weatherman fugitives, in the free exercise and enjoyment of certain rights and privileges secured to them by the Constitution," including the right to be secure in their homes against unreasonable searches and seizures. This they did, the indictment alleges, by causing FBI agents to break into the homes of those "relatives and acquaintances" in New York and New Jersey.

Black-bag jobs have been used by the FBI for at least thirty-five years. By its own admission, the Bureau made at least 238 surreptitious entries of homes and offices of persons judged to be domestic-security risks between 1942 and 1968, and they also made an unknown but large number of such entries into the homes and offices of persons believed to be involved in foreign espionage. No experienced counterintelligence officer doubts that the secret police of virtually every other nation in the world make use of such techniques also.

Why, then, were the break-ins that occurred in the early 1970's, allegedly authorized by Gray, Felt, and Miller, singled out for punishment? And if these men are punished, are there any grounds on which break-ins can be justified? To answer these questions, one must first understand the history of unconventional investigative techniques and the changing, and still uncertain, nature of the law governing such matters.

FOR many years, the FBI distinguished between investigations designed to gather intelligence and those designed to gather evidence. Gathering intelligence—background information about the associations, movements, abilities, and intentions of persons or groups—was not thought to be limited by the constitutional prohibition against "unreasonable searches and seizures." If intelligence information was not introduced as evidence in a criminal trial, then no one was harmed by the gathering of that information. In this view, even actions that seemed clearly illegal under existing law could be interpreted as exempt from such restrictions if the matter involved foreign intelligence or subversive activity, or if higher executive authority—the Attorney General or the President—authorized it.

For example, the Federal Communications Act of 1934 made it illegal to "intercept and divulge" telephone communications, and the Supreme Court held three years later that evidence obtained by such unlawful wiretaps could not be introduced into a federal criminal trial. But Attorney General Robert Jackson ruled in 1941 that it was proper for the FBI to intercept such communications—i.e., to engage in wiretapping—provided it did not "divulge" them. From then until 1967, the right of the FBI to wiretap was not successfully challenged.

Wiretapping does not ordinarily involve physically entering someone's home or office. A tap can be arranged outside the building, at a telephone junction box, or even at telephone company headquarters. Because of the absence of surreptitious entry, the Supreme Court held that wiretaps were not a violation of the Fourth Amendment to the Constitution. Until 1967, wiretaps carried out without judicial warrants were not unconstitutional and, provided they were not used to produce evidence introduced in court or otherwise divulged, they were not even clearly illegal.

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Investigations involving actual physical trespass were a different matter. Entering a home or office is obviously necessary if one wishes to plant a hidden microphone (a "bug") or to obtain or copy documents without the knowledge of the occupants. Trespass for the purpose of placing a bug in internal-security cases was approved by various Attorneys General, at least as far back as Herbert Brownell in 1954.

The Brownell memorandum, addressed to J. Edgar Hoover, specifically authorized microphone surveillance in cases involving "espionage agents, possible saboteurs, and subversive persons" not only for the purpose of getting information useful in a prosecution, but also in furtherance of the FBI's "intelligence function in connection with internal-security matters." The memo explicitly recognized that placing these microphones would often involve trespass and that when trespass occurred it might affect the admissibility into court of any evidence gathered, but stated that this possibility should not limit the use of the technique for intelligence purposes.

Succeeding Attorneys General were aware of this practice, and on occasion reaffirmed its propriety, albeit with modifications. Hoover notified Attorney General Byron White in 1961 of the use of bugs in internal-security matters. In 1965, Attorney General Nicholas Katzenbach issued new instructions requiring written approval by the Attorney General in advance of any bugging. Though these bugs were to be limited to "national-security" cases, Katzenbach told Hoover that he would continue to approve requests for bugs and saw "no need to curtail any such activities in the national-security field."

In the mid-1960's, an argument broke out between Hoover and Attorney General Robert F. Kennedy as to whether Kennedy had authorized bugs in the field of organized crime (clearly not a "national-security" area). Charges and countercharges flew, and the facts may never be known with certainty. Victor Navasky, in his book, *Kennedy Justice*, concludes that Kennedy may not have known, but that several of his subordinates did, that Kennedy himself should have known, and that in any event it would have been hard to explain how the FBI knew in such great detail the activities of organized-crime figures (the vigorous investigation of whom had been pressed by Kennedy) if they had not had microphone surveillances in place.

Surreptitious entries for the purpose of reading mail or copying documents, rather than for the purpose of installing bugs, were probably not known to or directly authorized by the Attorney General. That, at least, is the conclusion of the Church Committee (the Senate Select Committee to Study Government Operations with Respect to Intelligence Activities) contained in its 1976 report, and it is bolstered by an FBI internal memo in July 1966 saying that "we [the FBI] do not obtain authorization for 'black-bag' jobs from outside the Bureau." Such methods, the memo continued, are "clearly illegal," though an "invaluable technique in combating subversive activities."

But if the Attorney General was not involved in authorizing black-bag jobs, he had been involved in authorizing bugging, and the latter, like the former, usually involved surreptitious entry. Indeed, one could argue that a break-in for the purpose of planting a bug was a greater invasion of the privacy of a person because the microphone would pick up everything said in the room, whereas an entry for the purpose of obtaining documents would only compromise a person's privacy to the extent that there were documents in the room of interest to the FBI. If these distinctions —or lack of distinctions—were ever talked out in the Department of Justice, there is no published record of it.

In 1966, Hoover ordered an end to black-bag jobs, repeating his orders in January 1967 with a memo stating that he did not intend to approve any more such requests. Apparently, however, some entries continued into 1968, but by then the practice had in fact ended, according to sources both within the Bureau and on the staff of the Church Committee. Before the resumption of the methods in the early 1970's, several important legal developments had occurred.

IN THE late 1960's, the Supreme Court began to restrict significantly the power of the government to use various surveillance techniques. In 1967, it ruled that both wiretaps and bugs were searches within the meaning of the Fourth Amendment and thus would have to be "reasonable" and based on a judicial warrant. Congress responded by passing Title III of the Omnibus Crime Control and Safe Streets Act of 1968 which set up a procedure whereby federal law-enforcement agencies desirous of using a wiretap or a bug would apply to the Attorney General for permission, who in turn would authorize an application for a warrant from a federal court. These became known to investigators as "Title III's," and the FBI as well as other federal agencies began using the Title III procedure to gather evidence for criminal proceedings.

A Title III tap or bug would not ordinarily be appropriate in an intelligence case, however. For one thing, a Title III electronic surveillance can only occur if a judge finds that there is probable cause to believe that the person being tapped or bugged has committed, or is about to commit, a federal crime, that the information obtained will bear on that offense, and that the location at which the tap or bug is installed will be used in the commission of the crime. Intelligence gathering, however, is not ordinarily based on the belief that a crime has occurred or is about to occur. Rather,

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intelligence work seeks, among other things, *to find out* if there are grounds for believing a crime is in the offing. For example, one might wish to learn what relationship exists among persons reputed to be members of organized crime or to discover the pattern of associations of a person in this country with a Soviet passport who may or may not be a spy for the KGB.

Moreover, the Title III procedure requires the judge who authorizes a wiretap or bug to disclose that fact to the person tapped or bugged no later than ninety days after an application for a warrant has been denied or an approved tap has been completed. Obviously, in the delicate cat-and-mouse game of international espionage and counterespionage, it would be a little silly to send to someone you suspect of being a spy a letter that says, in effect, "We think you are a spy and we have tried to tap, or have recently been tapping, your telephone to find out if our hunch is correct."

To deal with this, Congress put into the 1968 bill a somewhat murky paragraph saying that the law would not "limit the constitutional power of the President to take such measures as he deems necessary to protect the nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign-intelligence information deemed essential to the security of the United States, or to protect national-security information against foreign-intelligence activities."

This provision was interpreted as authorizing wiretaps and bugs, without a judicial warrant, in national-security cases and in cases where there was a threat, even of domestic origin, of the forceful overthrow of the government or any other clear and present danger to the structure or existence of the government. From 1968 on, the Attorney General was frequently asked to authorize warrantless surveillance in security cases. What constituted a "security case" was obviously a matter of interpretation unconstrained by any statutory language. During the Nixon administration, warrantless electronic surveillance was used against the New Left, the Black Panthers, various journalists, certain members of the executive branch, and others.

In 1972, the Supreme Court tightened the constraints even more. In Michigan, a person named Plamondon was arrested and charged with having dynamited the Ann Arbor office of the Central Intelligence Agency. In the legal maneuvering before the trial, the government admitted that it had placed Plamondon under electronic surveillance without first getting a warrant, relying on the national-security provision of the 1968 Safe Streets Act. The Supreme Court was asked to decide whether this warrantless surveillance was a violation of the Fourth Amendment's restriction against unreasonable searches. The Court decided it was, and ordered the government to make full disclosure to Plamondon of his overheard conversations.

This was the famous *Keith* decision, now the controlling decision in matters of this sort. The Court's view, expressed in a unanimous decision (Justice Rehnquist taking no part), was that the national-security clause of the 1968 law did not confer any power on the President and specifically did not authorize him or the Attorney General to use warrantless electronic surveillance against "domestic" threats to security of the kind presented by the behavior of Plamondon. The Court explicitly limited the scope of its decision to the "domestic aspects of national security" and refrained from saying anything about the issues that might be involved in the activities of foreign countries or their agents. Moreover, it recognized that gathering information in domestic-security cases, as opposed to instances of "ordinary crime," might well require different procedures, and it invited Congress to define what these procedures should be. But warrantless intrusions in domestic-security cases were unacceptable. Domestic-security taps were stopped.

The effect of the *Keith* decision was to call into question the traditional distinction made by the FBI between intelligence and prosecution and to create in its place a different distinction, one between "domestic" and "foreign" cases. The Justice Department, following the *Keith* opinion, limited the use of warrantless electronic surveillance to cases involving a foreign power or its agents, though even then it defined "foreign" rather broadly—in the mid-1970's it authorized a warrantless wiretap against the Jewish Defense League on the grounds that its protest actions directed at the Soviet Union were jeopardizing our relations with that country.

President Carter accepted the domestic/foreign distinction when he issued his executive order on January 26, 1978 defining the duties and responsibilities of various intelligence agencies. It set forth a series of restrictions on surveillance techniques —essentially, requiring each to be based on a warrant issued by a judge when the object of these techniques was a "United States person." A United States person is a citizen of the United States, an alien lawfully admitted for permanent residence, or an American association or corporation. Surveillance without a warrant—including placing bugs and presumably carrying out black-bag jobs—could only occur if the object were not a United States person or if the Attorney General had determined that the United States person was "an agent of a foreign power."

Congress now has before it a bill, already passed by the Senate, that would in effect replace this executive order with a law covering many of the same topics and creating new machinery to deal with the same issues. It also is based on the domestic/foreign distinction but differs from the execu-

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tive order in that it would require the issuance of a special kind of warrant, from a specially created court, for surveillance in national-security cases. (The requirement to show "probable cause" and to disclose the surveillance that governs the use of taps and bugs in ordinary criminal cases would not exist in the foreign-power cases.)

THE black-bag jobs that Gray, Felt, and Miller are charged with having authorized all occurred after the *Keith* decision was handed down, and they were directed at an organization—the Weather Underground—not very different from the group that worked with Plamondon in dynamiting the CIA office in Ann Arbor: presumably domestic in nature and thus, according to the *Keith* ruling, covered by the constitutional requirements that a warrant be issued before the search is conducted.

A central issue—in the trials to come, perhaps *the* issue—is why these black-bag jobs were carried out after Hoover had earlier ended them and after the Supreme Court had made it clear that it would not accept an "intelligence" justification for them.

Persons in the Bureau and officers of the Society of Former Special Agents have argued that those who carried out the break-ins were doing exactly what the White House and the Attorney General wanted. The present Attorney General, Griffin Bell, has stated that he has found no evidence of any higher authority for the break-ins. Tom Wicker in the pages of the New York *Times* has scorned as a "Nuremberg defense" the arguments of Miller and Felt that they had authority; William Safire, in the pages of the same newspaper, has called Gray a scapegoat and President Carter a hypocrite.

I have recently had occasion to study the criminal-investigation procedures of the FBI, and have come to one conclusion that I admit colors my judgment of the present case, even though I can claim no special knowledge of it: important, politically sensitive actions in the FBI rarely occur by accident or in a fit of absent-mindedness. I am inclined, in matters of this sort, to look for a Prime Mover.

The black-bag jobs began again, so far as we can determine, in the early 1970's. The only relevant events that occurred at about the same time were the drafting of the Huston Plan in 1970 and the death of Hoover in 1972. In June 1970, an Interagency Committee on Intelligence, of which Hoover was a member, sent to President Nixon a report on the threat posed by militant New Left and black extremist groups. The FBI made it clear that it opposed reinstituting black-bag jobs (it also opposed covert mail openings). Tom Charles Huston, the staff assistant to President Nixon who was responsible for directing the committee's work, complained bitterly and at length to his superior, H.R. Haldeman, about what he called Hoover's "totally unreasonable," "detrimental," and "specious" objections to every suggestion for improving domestic intelligence. Huston urged Haldeman to urge the President to overrule Hoover and direct him to comply with the plan for expanded intelligence work.

The published record, collected by the staff of the Church Committee, does not make clear what then happened. On July 14, 1970, Haldeman wrote Huston that "the recommendations you have proposed as a result of the review have been approved by the President," apparently an indication that the Huston Plan was to go into effect. Huston then drafted a memo to Richard Helms reporting that the President had decided to remove restrictions on, among other things, surreptitious entries. But on July 27, Hoover wrote to Attorney General John Mitchell (who, strangely, had not been informed of the plan), indicating his disagreement with the plan and stating he would comply only if he received "specific authorization" to use the more sensitive investigative techniques.

The record does not show what Mitchell's response was, but in August of that same year, we find Huston writing to Haldeman about how he might handle a forthcoming meeting with Mitchell and Hoover which was apparently called for the purpose of getting Hoover to go along with the new policies. Thereafter, the public documentary record runs out.

Members of the Justice Department have told me they can find no record that Hoover was finally ordered by Mitchell or Nixon to resume black-bag jobs. The records of the Church Committee show no such order. The FBI has not produced a document confirming such an order to Hoover. And the popular belief, as well as the view of members of the Church Committee, is that the Huston Plan was never implemented.

But was it? Proving that something did *not* happen is often impossible. In this case, there remain some grounds for believing that Hoover may have received and acted on orders calling for black-bag jobs. John Dean was later to testify that he thought the Huston Plan had gone into effect, and he was a member of the Intelligence Evaluation Committee. Perhaps most troubling is the statement attributed to William C. Sullivan, former head of the Domestic Intelligence Division of the FBI, that Hoover had said that break-ins were to be approved. Sullivan, unfortunately, was killed in a hunting accident and cannot testify. After Hoover died in May 1972, the matter rested with Gray. He has said he never knowingly authorized any illegal conduct. Felt and Miller have said publicly that he did. The Justice Department, in its indictments, refers only to documents prepared and decisions made after Gray became acting director of the FBI.

Ironically, it was the Justice Department's premature and ill-advised indictment of John Kear-

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ney, the agent in charge of Squad 47 in the New York field office—the squad responsible for the Weather Underground cases—that led to the documents being discovered on the basis of which Gray and the others were indicted. When Kearney's lawyer, Edward Bennett Williams, filed a discovery motion on behalf of his client, agents in the Bureau went to work with more than ordinary zeal to find evidence that would show, at a minimum, that Kearney was acting on higher orders. Obviously, the Justice Department feels they found it, because the Kearney indictment has been dropped.

But now a further irony: sixty-eight agents who had worked on the Weather Underground case, including some who may have dug out the documents implicating Gray and the others, now face disciplinary action and the strong possibility of civil suits for having followed orders. (Under current law, an FBI agent who acts illegally is personally liable for damages if a judge rules against him in a civil action.) One reason for the impassioned hostility of the agents to the current prosecutions, in addition to the belief that what they did was right, is that the government is throwing them on the mercy of whatever personal-injury lawyers the victims of the break-ins might hire, and raising the possibility that deeds carried out in the belief that they were proper may at some future time be found improper and thus legally actionable.

THE central policy issue will probably not be resolved by the trial, however, and that, of course, is the question of whether black-bag jobs ought to be allowed at all.

The absolutist position—that breaking into private premises without a warrant is never justified—seems to have relatively little support in the executive branch or in Congress, though, as we shall see, it has a good deal of support in parts of the federal judiciary. W. Mark Felt has publicly admitted that he approved an FBI black-bag job at the Arab Information Center in Dallas in the fall of 1972 in an effort to find clues as to possible Palestinian terrorists in the United States. The Justice Department knew this, yet did not make it part of the indictment against Felt and the others. The reason, one presumes, is that such a break-in met the "foreign-agent" test of the *Keith* decision.

Moreover, in the back-alley struggle with foreign-intelligence agencies, break-ins are a fact of life. No one wishes to talk much about this, but it is obvious that it will be easier for the National Security Agency to crack a foreign code if a federal agent has placed in its hands a copy of the code book. These code books are not for sale at Brentano's.

The Senate, in approving the wiretap bill by a vote of 95 to 1, has clearly given its blessing to the foreign-agent exemption from normal warrant procedures. Though called a wiretap bill, in fact it covers much more than the interception of telephone communications. It will allow federal agents to engage in almost all forms of "technical coverage" of persons falling under the foreign-agent classification, provided that the agents first obtain the permission of a specially constituted court that will not be required to follow the normal standards governing the issuance of warrants in criminal cases or to issue notification to the party under surveillance. Technical coverage includes beepers to trace vehicles, hidden cameras, and bugs, as well as phone taps. To place the cameras or bugs, a surreptitious entry will obviously be necessary.

If the Senate is prepared to support this, it is hard to see why it would not also support a break-in for the purpose of a physical search. Indeed, as I have already pointed out, a search involves a lesser intrusion into the lives and privacy of the residents of a home or office than a hidden bug or camera. The latter will record everything that transpires in the room, whether or not it is related to an intelligence matter. A search, by contrast, can only pick up documents or other physical evidence; it cannot record the love life of the occupants.

One reason why searches have been given less careful attention by legal draftsmen may be that black-bag jobs have acquired so sinister an implication, by virtue of their use by the "Plumbers" who broke into the offices of Dr. Lewis Fielding (hardly a "foreign agent"), that no one wants to face the question of the circumstances under which they might be legal. Wiretaps and bugs, though controversial, have been associated with success as well as embarrassment—for every American journalist improperly tapped, there have been dozens of organized-crime leaders, drug dealers, and foreign spies who have been properly tapped.

In addition, the Bureau itself has always maintained that black-bag jobs were illegal and has rarely, if ever, sought permission from the Justice Department to carry them out. By contrast, there has always been a clear written procedure whereby the Attorney General would approve or deny Bureau requests for taps and bugs, both those requiring a warrant (as in ordinary criminal cases) and those done without a warrant (under the "national-security" exemption in the Safe Streets Act). What has been routinized becomes familiar and acceptable, and thus more easily dealt with when Congress decides to clarify the law on such matters.

It is interesting to speculate about what might have happened had the Bureau sought Justice Department permission for warrantless searches as it had sought it for warrantless bugs. On May 9, 1975, the Justice Department wrote to the United States Court of Appeals in the District of Columbia,

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which was then hearing an appeal of the conviction of John Ehrlichman for his involvement with the "Plumbers," stating: "It is and has long been the Department's view that warrantless searches involving physical entries into private premises are justified under the proper circumstances when related to foreign espionage or intelligence." (The letter went on to add that the Fielding-Ellsberg break-ins were "plainly unlawful.") A senior Justice Department official recently told me that if the Bureau had made requests for authority to carry out black-bag jobs in suitable cases, it might well have received it.

Instead, the Bureau had a procedure designed to put such techniques in the worst possible light. When the special agent in charge of a field office wanted to use a black-bag job, he requested permission from an assistant director at FBI headquarters. The request was then sent to Hoover (or his deputy, Clyde Tolson) for decision. If approved, the authorizing memo was marked "Do Not File" and kept in special safes in headquarters and in the field for no more than one year (in order to accommodate the needs of FBI inspectors who annually reviewed field offices to make certain, among other things, that nothing was being done without headquarters approval). Thereafter, the "Do Not File" memos were destroyed. Hence, not even the record-conscious Bureau has any accurate count of how many black-bag jobs were authorized. It was this procedure that Hoover terminated in 1966 when he decided to end break-ins.

SUPPOSE one is willing to grant that break-ins, whether to install a bug or photograph a document, are proper, under reasonable controls, in foreign-intelligence cases. Are they ever proper in other cases? That, of course, is the substantive question raised by the Weather Underground investigation.

The members of the Weather Underground were all American citizens. They were also a violent, terrorist group that made and planted bombs. The *Keith* decision, and the Senate wiretap bill, base the applicability of Fourth Amendment requirements for warrants on the domestic/foreign distinction, not on a distinction between ordinary criminals and a terrorist conspiracy. The FBI agents who are protesting the indictments of their former leaders believe that the latter distinction is at least as important as the former. And the discovery motions that the lawyers for Gray, Felt, and Miller will no doubt file will seek documents to show that the Weather Underground had substantial foreign connections.

William Safire has argued, without indicating what evidence he has, that such a foreign connection existed, specifically with Al Fatah. Persons within the Bureau itself have suggested that documents may be produced showing ties between the Weather group and both the Cubans and the PLO.

The courts will have to decide what significance, if any, to attach to such evidence. There is no existing legal standard by which one can easily judge whether an American citizen has ties sufficiently close to a foreign power to make him an agent of that power. Is a Soviet agent only someone on the full-time payroll of the KGB or one who regularly meets with a Soviet courier to drop off secrets? These are the conventional images of an "agent." But what of someone who travels to a foreign country to receive training, or who accepts foreign money to cover the expenses of his organization, or who secretly collaborates, without pay, with foreign powers in the pursuit of their policy objectives? At the extremes, the distinctions are easy to make, but in the middle, where several American dissident groups may well belong, the distinctions will be maddeningly difficult.

And there is no guarantee that the courts will accept the "foreign-power" exemption even if the facts show that a person was in some sense an agent. In the 1975 *Zweibon* case, the Court of Appeals in the District of Columbia suggested that even national-security investigations may require a judicial warrant: "Absent exigent circumstances [such as an imminent threat], *no* wiretapping in the area of foreign affairs should be exempt from prior judicial scrutiny, irrespective of the justification for the surveillance or the importance of the information sought." In reaching this view, Judge J. Skelly Wright rejected the arguments traditionally advanced for warrantless national-security surveillance—that the courts are not competent to judge such matters, that the need to obtain a warrant will lead to security leaks, that there will be undue delay, or that there is a significant difference between gathering intelligence and collecting evidence. Since other circuit courts have reached different conclusions, and since even the District of Columbia circuit was divided in its opinion, it is possible the Wright view will not prevail should the matter reach the Supreme Court. But it is also possible that it will.

In short, the foreign/domestic distinction may turn out to be as vulnerable to court challenge as the earlier intelligence/evidence distinction. If all distinctions are erased and all searches or intercepts must meet the same standards for obtaining a judicial warrant, then law enforcement will face some grave difficulties.

They arise from a little discussed feature common to *both* the Weather Underground and the foreign spy cases. To obtain a judicial warrant, whether for a search, a tap, a bug, or an arrest, an investigator must show that he has probable cause to believe that the person in question has committed, or is about to commit, a crime or has in his possession the fruits of a crime. Except in those cases where somebody has witnessed the crime, the showing of probable cause typically de-

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pends on having a reliable tip from an informant. This is especially the case if the crime in view is the product of a conspiracy.

Certain groups are less vulnerable to being penetrated by, or deceived by, an informant than others. Among these are domestic political revolutionaries, especially those with strong feelings of mutual solidarity, and foreign spy rings. Whereas a member of a gang of bank robbers might be induced to give information in exchange for money or leniency, a revolutionary or a spy might have a price no government could pay. Domestic-security wiretaps are often for the purpose of gathering just the sort of information that cannot be obtained from an informant.

Yet even if one recognizes, as some judges seem unable to do, that there are reasonable grounds for warrantless surveillances in some cases, one would nonetheless worry about leaving the authority to decide when to use such techniques entirely in the hands of the President or the Attorney General. President Nixon and his associates abused precisely that discretionary authority, thereby lending substance to the fears of those who had earlier questioned the national-security exemption in the 1968 Safe Streets Act.

The need is to supply an independent review mechanism that can prevent unjustified or political uses of the national-security authority without at the same time having to follow the same standards now governing the issuance of warrants in ordinary criminal cases where prosecution, not intelligence, is the goal. The Senate wiretap bill does just this, though without dealing with the problems of physical searches or of domestic terrorist groups. Whether it will survive House scrutiny and judicial challenge remains to be seen.

DEMOCRATIC societies find it difficult to make decisions on matters that require one to consider the view that the Constitution cannot always be the sole guide to permissible government action. On balance, that is probably a fortunate bias when one considers what has been done throughout history in the name of *raison d'état*. But we cannot leave matters at our revulsion against arbitrary power. Terrorism and espionage are ominous facts of life, drawing equally on "domestic" and "foreign" persons with little regard for the niceties of citizenship. Just as there has been a "clear and present danger" test by which to judge the scope of the First Amendment's guarantee of free speech, there may also have to be such a test in judging the Fourth Amendment's prohibition against unreasonable searches. It ought to be possible for Congress to devise such a test and create independent machinery to apply it without having to defend the increasingly dubious proposition that foreign agents are of necessity more dangerous than domestic terrorists.

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Reflections and Aphorisms

Walter Benjamin

Dining Hall

In a dream I saw myself in Goethe's study. It bore no resemblance to that in Weimar. Above all it was very small and had only one window. The side of the writing desk abutted on the wall opposite the window. Writing at it sat the poet in extreme old age. I was standing to one side when he broke off to give me a small vase, an urn from antiquity, as a present. I turned it between my hands. An immense heat filled the room. Goethe rose to his feet and accompanied me to an adjoining chamber where a table was set for my relatives. It seemed prepared, however, for many more than their number. No doubt there were places for my ancestors too. At the end, on the right, I sat down beside Goethe. When the meal was ended he rose with difficulty and by a gesture I sought leave to support him. Touching his elbow, I began to weep with emotion.

Come Back! All Is Forgiven

Like one performing the giant swing at the horizontal bar, each boy spins for himself the wheel of fortune from which, sooner or later, the momentous lot shall fall. For only that which we knew or practiced at fifteeen will one day constitute our attraction. And one thing therefore can never be made good: having neglected to run away from home. From forty-eight hours' exposure in those years, as in a caustic solution, the crystal of life's happiness forms.

Manorially Furnished, Ten-Room Apartment

The furniture style of the second half of the 19th century has received its only adequate description, and analysis, in a certain type of detective novel at the dynamic center of which stands the horror of apartments. The arrangement of the furniture is at the same time the site plan of deadly traps, and the suite of rooms prescribes the fleeing victim's path. That this kind of detective novel begins with Poe—at a time when such accommodations hardly yet existed—is no counter argument. For without exception, the great writers perform their combinations in a world that comes after them, just as the Paris streets of Baudelaire's poems, as well as Dostoevsky's characters, only existed after 1900. The bourgeois interior of the 1860's to the 1890's, with its gigantic sideboards distended with carvings, the sunless corners where palms stand, the balcony embattled behind its balustrade, and the long corridors with their singing gas flames, fittingly houses only the corpse. "On this sofa the aunt cannot but be murdered." The soulless luxuriance of the furnishings becomes true comfort only in the presence of a dead body. Far more interesting than the Oriental landscapes in detective novels is that rank Orient inhabiting their interiors: the Persian carpet and the ottoman, the hanging lamp and the genuine Caucasian dagger. Behind the heavy, gathered Khilim tapestries, the master of the house has orgies with his share certificates, feels himelf the Eastern merchant, the indolent pasha in the caravanserai of otiose enchantment, until that dagger in its silver sling above the divan puts an end, one fine afternoon, to his siesta and himself. This character of the bourgeois apartment, tremulously awaiting the nameless murderer like a lascivious old lady her gallant, has been penetrated by a number of authors who, as writers of "detective stories"—and perhaps also because in their works part of the bourgeois pandemonium is exhibited—have been denied the reputation they deserve. The quality in question has been captured in isolated writings by Conan Doyle and in a major production by A.K. Green; and with *The Phantom of the Opera*, one of the great novels about the 19th century, Gas-

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Walter Benjamin was born in Berlin in 1892. He committed suicide in 1940, after having been turned back at the Spanish border in his flight from Nazi-occupied France. Since his death, Benjamin has come to be recognized as one of the foremost German literary critics of his time. The first collection of his essays in English, *Illuminations*, was issued by Schocken in 1969. It was discussed by Robert Alter in our September 1969 issue ("On Walter Benjamin"). The selections appearing here have been excerpted from: *Reflections: Essays, Aphorisms, Autobiographical Writings by Walter Benjamin*, translated by Edmund Jephcott, which Harcourt Brace Jovanovich is bringing out in July. English translation copyright © 1978 by Harcourt Brace Jovanovich, Inc.

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ton Leroux has brought the genre to its apotheosis.

Chinese Curios

THESE are days when no one should rely unduly on his "competence." Strength lies in improvisation. All the decisive blows are struck left-handed.

AT THE beginning of the long downhill lane that leads to the house of ——, whom I visited each evening, is a gate. After she moved, the opening of its archway stood henceforth before me like an ear that has lost the power of hearing.

A CHILD in his nightshirt cannot be prevailed upon to greet an arriving visitor. Those present, invoking a higher moral standpoint, admonish him in vain to overcome his prudery. A few minutes later he reappears, now stark naked, before the visitor. In the meantime he has washed.

THE power of a country road is different when one is walking along it from when one is flying over it by airplane. In the same way the power of a text is different when it is read from when it is copied out. The airplane passenger sees only how the road pushes through the landscape, how it unfolds according to the same laws as the terrain surrounding it. Only he who walks the road on foot learns of the power it commands, and of how, from the very scenery which for the flier is only the unfurled plain, it calls forth distances, belvederes, clearings, prospects at each of its turns like a commander deploying soldiers at a front. Only the copied text thus commands the soul of him who is occupied with it, while the mere reader never discovers the new aspects of his inner self that are opened by the text, that road cut through the interior jungle forever closing behind it: because the reader follows the movement of his mind in the free flight of daydreaming, while the copier submits it to command. The Chinese practice of copying books was thus an incomparable guarantee of literary culture and the transcript a key to China's enigmas.

Gloves

IN AN aversion to animals the predominant feeling is fear of being recognized by them through contact. The horror that stirs deep in man is an obscure awareness that in him something lives so akin to the animal that it might be recognized. All disgust is originally disgust at touching. Even if the feeling is mastered, it is only by a drastic gesture that overleaps its mark: the nauseous is violently engulfed, eaten, while the zone of finest epidermal contact remains taboo. Only in this way is the paradox of the moral demand to be met, exacting simultaneously the overcoming and the subtlest elaboration of man's sense of disgust. He may not deny his bestial relationship with animals, the invocation of which revolts him: he must make himself its master.

To the Public: Please Protect and Preserve these New Plantings

WHAT is "solved"? Do not all the questions of our lives, as we live, remain behind us like a foliage obstructing our view? To uproot it, even to thin it out, does not occur to us. We stride on, leave it behind, and from a distance it is indeed open to view, but indistinct, shadowy, and all the more enigmatically entangled.

COMMENTARY and translation stand in the same relation to the text as style and mimesis to nature: the same phenomenon considered from different aspects. On the tree of the sacred text, both are only the eternally rustling leaves; on that of the profane, the seasonally falling fruits.

HE WHO loves is attached not only to the "faults" of the beloved, not only to the whims and weaknesses of a woman; wrinkles in the face, moles, shabby clothes, and a lopsided walk bind him more lastingly and relentlessly than any beauty. This has long been known. And why? If the theory is correct that feeling is not located in the head, that we sentiently experience a window, a cloud, a tree not in our brains but, rather, in the place where we see it, then we are, in looking at our beloved, too, outside ourselves. But in a torment of tension and ravishment. Our feeling, dazzled, flutters like a swarm of birds in the woman's radiance. And as birds seek refuge in the leafy recesses of a tree, feelings escape into the shaded wrinkles, the awkward movements and inconspicuous blemishes of the body we love, where they can lie low in safety. And no passer-by would guess that it is just here, in what is defective and censurable, that the fleeting darts of adoration nestle.

Construction Site

PEDANTIC brooding over the production of objects —visual aids, toys, or books—that are supposed to be suitable for children, is folly. Since the Enlightenment this has been one of the mustiest speculations of the pedagogues. Their infatuation with psychology prevents them from perceiving that the world is full of the most unrivaled objects for childish attention and use. And the most specific. For children are particularly fond of haunting any site where things are being visibly worked upon. They are irresistibly drawn by the detritus generated by building, gardening, housework, tailoring, or car-

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pentry. In waste products they recognize the face that the world of things turns directly and solely to them. In using these things, they do not so much imitate the works of adults as bring together, in the artifact produced in play, materials of widely differing kinds in a new, intuitive relationship. Children thus produce their own small world of things within the greater one. The norms of this small world must be kept in mind if one wishes to create things specially for children, rather than letting one's adult activity, through its requisites and instruments, find its own way to them.

Ministry of the Interior

THE more antagonistic a person is toward the traditional order, the more inexorably he will subject his private life to the norms that he wishes to elevate as legislators of a future society. It is as if these laws, nowhere yet realized, placed him under obligation to enact them in advance, at least in the confines of his own existence. The man, on the other hand, who knows himself to be in accord with the most ancient heritage of his class or nation, will sometimes bring his private life into ostentatious contrast to the maxims that he unrelentingly asserts in public, secretly approving his own behavior without the slightest qualms as the most conclusive proof of the unshakable authority of the principles he puts on display. Thus are distinguished the types of the anarcho-socialist and the conservative politician.

Imperial Panorama

A Tour of German Inflation

IN THE stock of phraseology that lays bare the amalgam of stupidity and cowardice constituting the mode of life of the German bourgeois, the locution referring to impending catastrophe—that "things can't go on like this"—is particularly noteworthy. The helpless fixation on notions of security and property deriving from past decades keeps the average citizen from perceiving the quite remarkable stabilities of an entirely new kind that underlie the present situation. Because the relative stabilization of the pre-war years benefited him, he feels compelled to regard any state that dispossesses him as unstable. But stable conditions need by no means be pleasant conditions, and even before the war there were strata for whom stabilized conditions were stabilized wretchedness. To decline is no less stable, no more surprising, than to rise. Only a view that acknowledges downfall as the sole reason for the present situation can advance beyond enervating amazement at what is daily repeated, and perceive the phenomena of decline as stability itself, and rescue alone as extraordinary, verging on the marvelous and incomprehensible. The national communities of Central Europe live like the inhabitants of an encircled town whose provisions and gunpowder are running out and for whom deliverance is, by human reasoning, scarcely to be expected—a case in which surrender, perhaps unconditional, should be most seriously considered. But the silent, invisible power that Central Europe feels opposing it does not negotiate. Nothing, therefore, remains but to direct the gaze, in the perpetual expectation of the final onslaught, on nothing except the extraordinary event in which alone salvation now lies. But this necessary state of intense and uncomplaining attention could, because we are in mysterious contact with the powers besieging us, really call forth a miracle. Conversely, the assumption that things cannot go on like this will one day find itself apprised of the fact that for the suffering of individuals, as of communities, there is only one limit beyond which things cannot go: annihilation.

A CURIOUS paradox: people have only the narrowest private interest in mind when they act, yet are at the same time more than ever determined in their behavior by the instincts of the mass. And more than ever mass instincts have become confused and estranged from life. Whereas the obscure impulse of the animal—as innumerable anecdotes relate—detects, as danger approaches, a way of escape that still seems invisible, this society, each of whose members cares only for his own abject well-being, falls victim, with animal insensibility but without the insensate intuition of animals, as a blind mass, to even the most obvious danger, and the diversity of individual goals is immaterial in face of the identity of the determining forces. Again and again it has been shown that society's attachment to its familiar and long-since-forfeited life is so rigid as to nullify the genuinely human application of intellect, forethought, even in dire peril. So that in this society the picture of imbecility is complete: uncertainty, indeed perversion of vital instincts, and impotence, indeed decay, of the intellect. This is the condition of the entire German bourgeoisie.

TO THE foreigner cursorily acquainted with the pattern of German life, who has even briefly traveled about the country, its inhabitants seem no less bizarre than an exotic race. A witty Frenchman has said: "A German seldom understands himself. If he has once understood himself, he will not say so. If he says so, he will not make himself understood." This comfortless distance was increased by the war, but not merely through the real and legendary atrocities that Germans are reported to have committed. Rather, what completes the isolation of Germany in the eyes of other Europeans, what really engenders the attitude that they are dealing with Hottentots in the Germans (as it has been aptly put), is the vio-

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lence, incomprehensible to outsiders and wholly imperceptible to those imprisoned by it, with which circumstances, squalor, and stupidity here subjugate people entirely to collective forces as the life of savages alone subjected to tribal laws. The most European of all accomplishments, that more or less discernible irony with which the life of the individual asserts the right to run its course independently of the community into which he is cast, has completely deserted the Germans.

ANYONE who does not simply refuse to perceive decline, will hasten to claim a special justification for his own continued presence, his activity and involvement in this chaos. As there are many insights into the general failure, so there are many exceptions for one's own sphere of action, place of residence, and moment of time. A blind determination to save the prestige of personal existence rather than, by an impartial disdain for its impotence and entanglement, at least to detach it from the background of universal delusion, is triumphing almost everywhere. That is why the air is so thick with life theories and world views, and why in this country they cut so presumptuous a figure, for almost always they finally serve to sanction some wholly trivial private situation. For just the same reason the air is so full of phantoms, mirages of a glorious cultural future breaking upon us overnight in spite of all, for everyone is committed to the optical illusions of his isolated standpoint.

THE people cooped up in this country no longer discern the contours of human personality. Every free man appears to them as an eccentric. Let us imagine the peaks of the Alps silhouetted not against the sky but against folds of dark drapery. The mighty forms would show up only dimly. In just this way a heavy curtain shuts off Germany's sky, and we no longer see the profiles of even the greatest men.

Caution: Steps

WORK on good prose has three steps: a musical stage when it is composed, an architectonic one when it is built, and a textile one when it is woven.

Teaching Aid

Principles of the Weighty Tome, or How to Write Fat Books

1. The whole composition must be permeated by a protracted and wordy exposition of the initial plan.
2. Terms are to be included for conceptions that, except in this definition, appear nowhere in the whole book.
3. Conceptual distinctions laboriously arrived at in the text are to be obliterated again in the relevant notes.
4. For concepts treated only in their general significance, examples should be given: if, for example, machines are mentioned, all the different kinds of machines should be enumerated.
5. Everything that is known *a priori* about an object is to be consolidated by an abundance of examples.
6. Relationships that could be represented graphically must be expounded in words. Instead of being represented in a genealogical tree, for example, all family relationships are to be enumerated and described.
7. A number of opponents all sharing the same argument should each be refuted individually.

Post No Bills

The Writer's Technique in Thirteen Theses

1. Anyone intending to embark on a major work should be lenient with himself and, having completed a stint, deny himself nothing that will not prejudice the next.
2. Talk about what you have written, by all means, but do not read from it while the work is in progress. Every gratification procured in this way will slacken your tempo. If this regime is followed, the growing desire to communicate will become in the end a motor for completion.
3. In your working conditions avoid everyday mediocrity. Semi-relaxation, to a background of insipid sounds, is degrading. On the other hand, accompaniment by an étude or a cacophony of voices can become as significant for work as the perceptible silence of the night. If the latter sharpens the inner ear, the former acts as touchstone for a diction ample enough to bury even the most wayward sounds.
4. Avoid haphazard writing materials. A pedantic adherence to certain papers, pens, inks is beneficial. No luxury, but an abundance of these utensils is indispensable.
5. Let no thought pass incognito, and keep your notebook as strictly as the authorities their register of aliens.
6. Keep your pen aloof from inspiration, which it will then attract with magnetic power. The more circumspectly you delay writing down an idea, the more maturely developed it will be on surrendering itself. Speech conquers thought, but writing commands it.
7. Never stop writing because you have run out of ideas. Literary honor requires one to break off only at an appointed moment (a mealtime, a meeting) or at the end of the work.
8. Fill the lacunae of inspiration by tidily copying out what is already written. Intution will awaken in the process.
9. *Nulla dies sine linea*—but there may well be weeks.

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10. Consider no work perfect over which you have not once sat from evening to broad daylight.

11. Do not write the conclusion of a work in your familiar study. You would not find the necessary courage there.

12. Stages of composition: Idea, style, writing. The value of the fair copy is that in producing it you confine attention to calligraphy. The idea kills inspiration, style fetters the idea, writing pays off style.

13. The work is the death mask of its conception.

Ordnance

I HAD arrived in Riga to visit a woman friend. Her house, the town, the language were unfamiliar to me. Nobody was expecting me, no one knew me. For two hours I walked the streets in solitude. Never again have I seen them so. From every gate a flame darted, each cornerstone sprayed sparks and every streetcar came toward me like a fire engine. For she might have stepped out of the gateway around the corner, been sitting in the streetcar. But of the two of us I had to be, at any price, the first to see the other. For had she touched me with the match of her eyes, I should have gone up like a powder keg.

First Aid

A HIGHLY embroiled quarter, a network of streets that I had avoided for years, was disentangled at a single stroke when one day a person dear to me moved there. It was as if a searchlight set up at this person's window dissected the area with pencils of light.

Lost-Property Office

ARTICLES LOST: What makes the very first glimpse of a village, a town, in the landscape so incomparable and irretrievable is the rigorous connection between foreground and distance. Habit has not yet done its work. As soon as we begin to find our bearings, the landscape vanishes at a stroke like the façade of a house as we enter it. It has not yet gained preponderance through a constant exploration that has become habit. Once we begin to find our way about, that earliest picture can never be restored.

ARTICLES FOUND: The blue distance that never gives way to foreground or dissolves at our approach, which is not revealed spread-eagled and long-winded when reached, but only looms more compact and threatening, is the painted distance of a backdrop. It is what gives stage sets their incomparable atmosphere.

Fire Alarm

THE notion of the class war can be misleading. It does not refer to a trial of strength to decide the question, "Who shall win, who be defeated?"—or to a struggle, the outcome of which is good for the victor and bad for the vanquished. To think in this way is to romanticize and obscure the facts. For whether the bourgeoisie wins or loses the fight, it remains doomed by the inner contradictions that in the course of development will become deadly. The only question is whether its downfall will come through itself or through the proletariat. The continuance or the end of three thousand years of cultural development will be decided by the answer. History knows nothing of the evil infinity contained in the image of the two wrestlers locked in eternal combat. The true politician reckons only in dates. And if the abolition of the bourgeoisie is not completed by an almost calculable moment in economic and technical development (a moment signaled by inflation and poison-gas warfare), all is lost. Before the spark reaches the dynamite, the lighted fuse must be cut. The interventions, dangers, and tempi of politicians are technical, not chivalrous.

Travel Souvenirs

ATRANI: The gently rising, curved baroque staircase leading to the church. The railing behind the church. The litanies of the old women at the *Ave Maria*: preparing to die first class. If you turn around, the church verges, like God Himself, on the sea. Each morning the Christian era crumbles the rock, but between the walls below, the night falls always into the four old Roman quarters. Alleyways like air shafts. A well in the marketplace. In the late afternoon women about it. Then, in solitude: archaic plashing.

NAVY: The beauty of the tall sailing ships is unique. For not only has their outline remained unchanged for centuries, but they appear in the most immutable landscape: at sea, silhouetted against the horizon.

Polyclinic

THE author lays his idea on the marble table of the café. Lengthy meditation, for he makes use of the time before the arrival of his glass, the lens through which he examines the patient. Then, deliberately, he unpacks his instruments: fountain pens, pencil, and pipe. The numerous clientele, arranged as in an amphitheater, make up his clinical audience. Coffee, carefully poured and consumed, puts the idea under chloroform. What this idea may be has no more connection with the matter at hand than the dream of an anesthetized

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patient with the surgical intervention. With the cautious lineaments of handwriting, the operator makes incisions, displaces internal accents, cauterizes proliferations of words, inserts a foreign term as a silver rib. Finally the whole is finely stitched together with punctuation, and he pays the waiter, his assistant, in cash.

This Space for Rent

FOOLS lament the decay of criticism. For its day is long past. Criticism is a matter of correct distancing. It was at home in a world where perspectives and prospects counted and where it was still possible to take up a standpiont. Now things press too closely on human society. The "unclouded," "innocent" eye has become a lie, perhaps the whole naive mode of expression, sheer incompetence. Today the most real, the mercantile gaze into the heart of things, is the advertisement. It abolishes the space where contemplation moved and all but hits us between the eyes with things as a car, growing to gigantic proportions, careens at us out of a movie screen. And just as the cinema does not present furniture and façades in completed forms for critical inspection, their insistent, jerky nearness alone being sensational, the genuine advertisement hurtles things at us with the tempo of a good film. Thereby "matter-of-factness" is finally dispatched, and in face of the huge images across the walls of houses, where toothpaste and cosmetics lie ready at hand for giants, sentimentality is restored to health and liberated in American style, just as people whom nothing moves or touches any longer are taught to cry again by films. For the man in the street, however, it is money that affects him in this way, brings him into felt contact with things. And the paid critic, manipulating paintings in the dealer's exhibition room, knows more important if not better things about them than the art lover viewing them in the showroom window. The warmth of the subject is communicated to him, stirs sentient springs. What, in the end, makes advertisements so superior to criticism? Not what the moving red neon sign says, but the fiery pool reflecting it in the asphalt.

Self-Service Restaurant

THIS is the weightiest objection to the mode of life of the confirmed bachelor: he eats by himself. Taking food alone tends to make one hard and coarse. Those accustomed to it must lead a Spartan life if they are not to go downhill. Hermits have observed, if for only this reason, a frugal diet. For it is only in company that eating is done justice; food must be divided and distributed if it is to be well received. No matter by whom: formerly a beggar at the table enriched each banquet. The splitting up and giving are all important, not sociable conversation. What is surprising, on the other hand, is that without food conviviality grows precious. Playing host levels differences, binds together. The Count of Saint-Germain fasted before loaded tables, and by this alone dominated conversation. When all abstain, however, rivalries and conflict ensue.

Tax Advice

BEYOND doubt: a secret connection exists between the measure of goods and the measure of life, which is to say, between money and time. The more trivial the content of a lifetime, the more fragmented, multifarious, and disparate are its moments, while the grand period characterizes a superior existence. Very aptly, Lichtenberg suggests that time whiled away should be seen as made smaller rather than shorter, and he also observes: "A few dozen million minutes make up a life of forty-five years, and something more." When a currency is in use, a few million units of which are insignificant, life will have to be counted in seconds rather than in years if it is to appear of respectable sum. And it will be frittered away like a bundle of bank notes: Austria cannot break the habit of thinking in florins.

MONEY and rain belong together. The weather itself is an index of the state of this world. Bliss is cloudless, knows no weather. There also comes a cloudless realm of perfect goods, on which no money falls.

A descriptive analysis of bank notes is needed. The unlimited satirical force of such a book would be equaled only by its objectivity. For nowhere more naively than in these documents does capitalism display itself in solemn earnest. The innocent cupids frolicking about numbers, the goddesses holding tablets of the law, the stalwart heroes sheathing their swords before monetary units, are a world of their own: ornamenting the façade of hell. If Lichtenberg had found paper money in circulation, the plan of this work would not have escaped him.

Legal Protection for the Needy

PUBLISHER: My expectations have been most rudely disappointed. Your work makes no impression on the public; you do not have the slightest pulling power. And I have not spared expenses. I have incurred advertising costs. You know how highly I think of you, despite all this. But you cannot hold it against me if even I have now to listen to my commercial conscience. If there is anyone who does what he can for authors, I am he. But, after all, I also have a wife and children to look after. I do not mean, of course, that I hold you accountable for the losses of the past years. But a bitter feeling of disappointment will re-

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main. I regret that I am at present absolutely unable to support you further.

AUTHOR: Sir, why did you become a publisher? We shall have the answer by return mail. But permit me to say one thing in advance. I figure in your archive as number 27. You have published five of my books; in other words, you have put your money five times on number 27. I am sorry that number 27 did not prove a winner. Incidentally, you only took coupled bets. Only because I come next to your lucky number 28. Now you know why you became a publisher. You might just as well have entered an honest profession, like your esteemed father. But never a thought for the morrow, such is youth. Continue to indulge your habits. But avoid posing as an honest businessman. Do not feign innocence when you have gambled everything away; do not talk about your eight-hour working day, or the night, when you hardly get any rest either. "Truth and fidelity before all else, my child." And don't start making scenes with your numbers! Otherwise you will be bounced.

Betting Office

BOURGEOIS existence is the regime of private affairs. The more important the nature and implications of a mode of behavior, the further it is removed from observation here. Political conviction, financial situation, religion—all these seek hideouts, and the family is the rotten, dismal edifice in whose closets and crannies the most ignominious instincts are deposited. Mundane life proclaims the total subjugation of eroticism to privacy. So wooing becomes a silent, dead serious transaction between two persons alone, and this thoroughly private wooing, severed from all responsibility, is what is actually new in "flirting." In contrast, the proletarian and the feudal type resemble each other in that in wooing it is much less the woman than their competitors that they overcome. In this, they respect the woman far more deeply than in her freedom, being at her command without cross-examining her. The shift of erotic emphasis to the public sphere is both feudal and proletarian. To be seen with a woman on such and such an occasion can mean more than to sleep with her. Thus in marriage, too, value does not lie in the sterile "harmony" of the partners: it is as the eccentric offshoot of their struggles and rivalries enacted elsewhere that, like the child, the spiritual force of marriage is manifest.

Madame Ariane—
Second Courtyard on the Left

HE WHO asks fortunetellers the future unwittingly forfeits an inner intimation of coming events that is a thousand times more exact than anything they may say. He is impelled by inertia rather than curiosity, and nothing is more unlike the submissive apathy with which he hears his fate revealed than the alert dexterity with which the man of courage lays hands on the future. For presence of mind is an extract of the future, and precise awareness of the present moment more decisive than foreknowledge of the most distant events. Omens, presentiments, signals pass day and night through our organism like wave impulses. To interpret them or to use them, that is the question. The two are irreconcilable. Cowardice and apathy counsel the former, lucidity and freedom the latter. For before such prophecy or warning has been mediated by word or image it has lost its vitality, the power to strike at our center and force us, we scarcely know how, to act accordingly. If we neglect to do so, and only then, the message is deciphered. We read it. But it is now too late. Hence, when taken unawares by an outbreak of fire or the news of a death, there is in the first mute shock a feeling of guilt, the indistinct reproach: Did you really not know of this? Did not the dead person's name, the last time you uttered it, sound differently in your mouth? Do you not see in the flames a sign from yesterday evening, in a language you only now understand? And if an object dear to you has been lost, was there not, hours, days before, an aura of mockery or mourning about it that gave the secret away? Like ultraviolet rays, memory shows to each man in the book of life a script which invisibly and prophetically glosses the text. But it is not with impunity that these intentions are exchanged, that unlived life is handed over to cards, spirits, stars, to be in an instant squandered, misused, and returned to us disfigured; we do not go unpunished for cheating the body of its power to meet the fates on its own ground and triumph. The moment is the Caudine Yoke beneath which fate must bow to the body. To turn the threatening future into a fulfilled now, the only desirable telepathic miracle, is a work of bodily presence of mind. Primitive epochs, when such demeanor was part of man's daily husbandry, provided him, in the naked body, with the most reliable instrument of divination. Even the ancients knew of this true practice, and Scipio, stumbling as he set foot on Carthaginian soil, cried out, spreading his arms wide as he fell, the watchword of victory: *Teneo te, terra Africana*! What would have become a portent of disaster, he binds bodily to the moment, making himself the factotum of his body. In just such mastery the ancient ascetic exercises of fasting, chastity, and vigil have for all time celebrated their greatest victories. Each morning the day lies like a fresh shirt on our bed; this incomparably fine, incomparably tightly woven tissue of pure prediction fits us perfectly. The happiness of the next twenty-four hours depends on our ability, on waking, to pick it up.

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Fiction

Meyer Levin's Obsessions

Pearl K. Bell

One cold Sunday early this spring, Meyer Levin came to Cambridge, at the invitation of the Harvard-Radcliffe Zionist Alliance, to address a regrettably small audience on the question, "What Is Israel?" Levin, who has lived more or less permanently in Israel for almost two decades, was in the United States for the publication of *The Harvest,** his new novel, which completes the ambitious two-volume saga, begun with *The Settlers* in 1972, of the Chaimovitch family from the turn of the century, when they fled the pogroms in their Ukrainian village to make a new life in Palestine, through the Arab-Israeli war of 1948 and the birth of the state of Israel. There are not many American writers who can speak about Israel with the historical authority and first-hand knowledge Meyer Levin commands, for he has known the land intimately since the 1920's, and was drawn to Zionism long before the subject had begun to arouse any widespread curiosity and commitment among Jewish intellectuals in America. But that afternoon at Harvard he spent rather less time on the subject of Israel than he did on his by now wearying King Charles's head—the conspiracy against Meyer Levin. What had rekindled his bitter obsession, it seems, was the review of *The Harvest* in the New York *Times Book Review,* in which Webster Schott facetiously suggested that Levin had whipped up a novel about Palestine to capitalize on the altered political situation in the Middle East after Sadat's flight to Jerusalem. What might have been brushed aside as a feeble joke led Levin to charge that Schott's unenthusiastic judgment of the novel derived from the long-time cabal against him as "too Jewish" a writer. And once again it seems necessary to ask, especially now that his enormous history of Russian Jewish emigrants to Palestine has been completed, whether this chronically umbrageous man, who has complained loudly and often that he has been systematically victimized by a "literary mafia," is the major writer he believes himself to be.

Levin, who was born in 1905 into a Yiddish-speaking immigrant family in Chicago, made the first of his many journeys to Palestine in 1925, right after he graduated from college. He went there on a journalistic assignment, not because of any attraction to Zionism; but on that first visit, as he wrote in his 1950 autobiography, *In Search,* he was torn by ambivalent feelings of awe and apprehension: "I remained only a few weeks in the country . . . but the visit was like a shock whose full effect does not appear until years later. Though I knew I was not done with the land, my first impulse was to flee, to recontact America for fear of being seduced, of losing myself in a movement that was perhaps not meant for me—for wasn't it my destiny to become the great American novelist?" At the beginning of his career, he wrote about America *and* Palestine—*Yehuda,* a sentimental tale about a violinist, was set in a kibbutz—but when he felt, in his late twenties, that the time had come to produce a magnum opus that would launch him seriously, he decided that his strength and fate as a novelist lay not in Jewish Palestine but in Jewish America.

Like most young novelists, he found his material in his own beginnings. He had grown up in the immigrant streets on the West Side of Chicago, and this provided him with an inexhaustible plenitude of experience and characters for *The Old Bunch,* a raucous, disorderly, winning account of twenty boys and girls, the neighborhood pals of his generation, callously cutting loose from the foreign parents they scorn as they grow up and plunge impetuously into the real, the prophetic America outside the confining ghetto. As they grope and stumble through the Depression toward their precarious futures, reluctantly giving up the movie-gorged daydreams of adolescence for the painful and irreversible finalities of adulthood, they are grimly determined to shed their parents' old-world crudeness and superstitious anxiety, to become as American as movie stars and the latest dance steps and popular songs. Some of the bunch are serious and idealistic, some are lazy, avaricious, corrupt, but all of them are inflamed with the boundless promise of possibility that is their birthright as native-born Americans. Inevitably, as they grow older, their hectic, unreal expectations are subdued or shattered by disappointment and failure, but at its best *The Old Bunch* pulses with a frisky youthful confidence that anything can happen and anything goes.

Levin, even then unintimidated by the difficulty of fitting many different lives and personalities into a huge structure, managed it a good part of the way through *The Old Bunch* with improvisatory bounce and zest, but the book's charm is diminished by its inordinate length (almost a thousand pages) and its haphazard miscellaneity. Indeed, some of the group assumed such a palpable reality for Levin that he could not let go of them; in *Citizens,* his rambling "proletarian novel" of 1940, heavily indebted to Dos Passos, the idealistic

PEARL K. BELL *reviews fiction regularly in these pages.*

* Simon & Schuster, 670 pp., $11.95.

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doctor in the old bunch, Mitch Wilner, is converted to revolutionary socialism during a murderous steel strike, and the sculptor, Joe Freedman, has now turned up in *The Harvest*. *The Old Bunch* is unquestionably the liveliest and most venturesome of Levin's novels, yet Levin characteristically overextended himself to inflate the book's achievement when he declared, in *In Search:* "I believe it can be safely said today that this was the outstanding American Jewish novel of its generation." Not so safely, since that generation included Henry Roth's extraordinary revenant, *Call It Sleep,* and Daniel Fuchs's affectionate, ironic comedies of Brooklyn.

Levin's novel had a fairly respectable sale when it was published in 1937, but the work of Roth and Fuchs appeared to sink without a trace. As Fuchs remarked when his Williamsburg novels were eventually reprinted in 1961: "The books were failures. Nobody seemed to care for them when they came out. I saw a man once on the subway, reading *Homage to Blenholt* and chuckling aloud; that was the only clean appreciation I can remember—unsolicited, true." Roth stopped writing altogether and Fuchs went to Hollywood; it was a long time before their books floated back from oblivion and were given their due. Levin was spared this punishing indifference, but compared to Roth's lyrical and psychological power and to Fuchs's tough and witty originality, *The Old Bunch* pales. Though the theme of fleeting youth is central to Levin's scheme, at no point does he come close to the sardonic despair which Fuchs, on the last page of *Homage to Blenholt,* quietly drops like a stone on the heart:

> . . . [Mr. Balkan] knew now that Max would never be the same again. Much had gone out of Max, aspiration, hope, life. His son would grow old and aging, die, but actually Max was dead already for now he would live for bread alone. . . . And regretting the way of the world, Mr. Balkan realized that he had witnessed the exact point at which his son had changed from youth to resigned age. . . . It seemed to the old man that this death of youth was among the greatest tragedies in experience and that all the tears in America were not enough to bewail it.
>
> But all the same the evening sun that day went down on time.

DURING the last months of World War II, Levin was a correspondent for the Overseas News Agency in Europe, and he was one of the first Americans to enter Theresienstadt, Buchenwald, and Dachau. The horror at first convinced him that no outsider could hope to tell that story, "for the survivors have an augmented view which we cannot attain." Yet he was increasingly driven by the moral need to bear witness not only to the Holocaust but to the Jewish continuity embedded in his own origins, which he had in his youth so carelessly scorned. When the diary of Anne Frank was published, Levin felt that this miraculous survival of one clear voice from the ashes was the chance he had been waiting for, "to bring home the Holocaust to the world public, to mankind." But the play he wrote about Anne Frank was never produced on Broadway; instead of becoming the instrument of his moral fulfillment, as Levin has told the story with tortuous candor in *The Obsession,* the Anne Frank play sucked him into a paranoid swamp of protests, petitions, lawsuits, and derision. To this day, as Levin sees it, he is hounded by the ideological conspiracy responsible for his catastrophic defeat by the left-wing predators of Broadway, who found his play "too Jewish" for commercial success.

The Obsession is Meyer Levin's *de profundis*—black with the bile of grievance and indictment, demons and conspirators, broken promises and malevolent deception. Like a movie that keeps slipping in and out of focus, Levin's anguished account of his betrayal by Otto Frank and Kermit Bloomgarden and dozens of other enemies who kept his play from the world zigzags unendurably between imperfect detachment and claustrophobic hysteria. It would take an Allen Weinstein to disentangle the objective truth from the hallucinatory delusions, to separate the alleged political motives from the crass imperatives of show business. But that would still beg the question: is Meyer Levin the first-rank writer he believes himself to be? Does his work bear out the contentious puffery that he lavishes on it, and his heated denunciations of every slight, every "hostile" critic?

Obviously the answer will not be found in his advertisements for himself. His final and risky gamble as a writer has been the ambitious epic of the Russian Jewish emigration to Palestine; if *The Settlers* and *The Harvest* do not confirm his judgment of himself as a victim of malign neglect, then nothing can.

IN FORM and texture, Levin's Zionist saga harks back to a literary genre that nowadays seems antique, the broad family novel that attracted many European writers in the less frantic decades of this century. It was as though the upheavals in European society which threatened the existence of the traditional family demanded these long chronicles whose thickness and weight acted as a kind of bulwark against the specter of social disintegration. In such works as I. J. Singer's *The Brothers Ashkenazi* and *The Family Carnovsky;* Sholem Asch's *Three Cities;* Isaac Bashevis Singer's *The Family Moskat;* Roger Martin du Gard's *Les Thibaults;* Romain Rolland's *Men of Good Will;* Thomas Mann's *Buddenbrooks,* the slow and expansive unfolding of one family's history could be understood as a microcosm of society, and these novels, huge and cozy featherbeds that could sleep an unlimited number of relatives, at once confirmed the end of a historical era and, in their capacious imaginative fullness, defied this end in an act of memory.

Undaunted by the eclipse of this genre from literary fashion, Meyer Levin has conceived his epic of the Chaimovitch family in Palestine on a scale fully as grand and inclusive as that of *Three Cities* and *The Brothers Ashkenazi.* In *The Settlers* we first encounter Feigel, the mother; Yankel, the father; and five and a half of their children (Mati, the Sabra, will be born a few months after they arrive in Palestine) on board the ship

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that is carrying them away from the pogroms of Russia. The eldest son and daughter, Reuben and Leah, labor-Zionist pioneers, have already been in Palestine for a year. Without exception, the members of this gigantic family are lovable, cheerful, hard-working, and as fiercely devoted to one another as they are to the Jewish homeland. Since it takes all sorts, the Chaimovitch children are a novelist's dream of spirited variety—tall and short, brave and timorous, intellectual and physical, beautiful and plain, bashful and gregarious. After the endurance of great pain and hardship—wresting a living from the parched and rocky soil, fighting off hostile Arabs, outwitting the Turkish overlords, fighting in World War I—the Chaimovitch roots in Palestine are deep and secure. Mishkan Yaacov, their settlement on the banks of the Jordan, is flourishing; the Balfour Declaration holds out the promise of a Jewish state; the children have begun to marry and multiply; and little Mati, against his pious father's will, has left for Tel Aviv to get some proper schooling. As the curtain falls on Volume I, the old patriarch consoles himself with the stoic wisdom that "This too is for the good."

The Harvest finds Mati, grown handsome and clever, en route to the University of Chicago, where he studies economics, acquires a taste for American girls, learns to fly a plane so that he can begin forming a secret Jewish air force, and takes an American bride, Dena, who proves as lovable and heroic as the family she has married into. After a year in England, where Mati finishes his education at the London School of Economics, the young couple returns to Palestine; Dena's first sight of Jerusalem "brought a shivery feeling as though you were part of some eternal ongoing." As the inexorable pace of history drags Europe into another war, Levin hectically strains to pack everything into his story, as though his pioneer family will be robbed of its rightful significance if it is spared any suffering or triumph: Babi Yar, Auschwitz, the sinking of the *Struma,* the landing of the *Exodus,* the bombing of the King David Hotel, the liberation of Buchenwald, and much, much more. One or another Chaimovitch son, daughter, in-law, grandchild, or cousin takes part in every crisis, as though history could not happen without them. And lest we lose sight, during the relentless march of events, of Levin's broad perspective, Mati's indestructible brother-in-law Menahem shares some philosophy with Dena before leaving on a secret mission to Nazi-occupied Europe, where he will be caught by the Gestapo and sent to Auschwitz: "Just as in the idea of the fated, the destined one, in love, you also had to wonder, was there a fatedness in all things? Most of life was routine . . . but at other times we could become instruments . . . 'history' working itself out, and certain individuals were seized upon by history itself to serve the process. That was what gave us the sense of fate, of destiny."

It is a pity that Menahem, one of the few halfway plausible characters in *The Harvest,* should be stuck with this sententious banality. It is even more of a pity that for all Levin's epic longings, his passionate dedication to Israel, and his immensely erudite knowledge of its struggle to exist and to survive, he has not produced the richly evocative literary celebration that was to be the triumphant culmination of his career. For one thing, he succumbs too easily and too often to sentimentality, and his pages are awash in chuckles and twinkles and shivers and glowings. For another, he does not integrate the overpowering urgency of history with the consciousness of his characters. Wonderful and terrible things happen to everyone in the book, but aside from Menahem's feeble invocation of fate and destiny, they do not respond to the terrors of experience as confused, complex human beings but only as slogan makers, invincible emblems of courage. His characters are so insufferably fetching, noble, and lovable that they seem nothing more than Israeli fiddlers on the roof. One has only to read such Israeli writers as Yoram Kaniuk and A. B. Yehoshua—canny, intelligent, edgy, complicated, not in the least removed from Western civilization and its discontents—to feel the condescension, however unconscious, behind the unreal goodness and virtue of Levin's pioneers. In other words, it is not just Levin's stubborn dedication "to the Jewish life around me and to Jewish problems," as he claims, that has kept him out of the pantheon of American Jewish writing.

Many are called but few are chosen. Writers who can transform our sense of life with astonishment, pain, and delight are very rare, and conspiracy has little to do with this hard truth. Intentions count for little or nothing in art. In the end it is the grasp that matters, not the reach.

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Books in Review

Revising the 50's

THE GREAT FEAR: THE ANTI-COMMUNIST PURGE UNDER TRUMAN AND EISENHOWER. By DAVID CAUTE. *Simon & Schuster. 697 pp. $14.95.*

Reviewed by HERMAN BELZ

MOST accounts of the post-World War II period used to assign to the Soviet Union a major share of responsibility for the coming of the cold war, and assign to Senator Joseph McCarthy a central role in promoting the aggressive concern for internal security that reflected the impact of the cold war on American politics in the early 1950's. For several years now, revisionist historians have been reinterpreting this picture, placing greater emphasis on the responsibility of the United States in initiating the cold war—in many circles, American culpability is now taken as an established fact—and arguing that McCarthyism was nothing but a continuation of the anti-Communist policies inaugurated by liberal Democrats as far back as the Truman administration. The logic that emerges from these studies would seem to point ultimately to an analysis of the cold war that would altogether ignore the role of the Soviet Union in causing the conflict, deny the existence of a Communist problem in the United States, and eliminate McCarthy and McCarthyism as a decisive force in the development of anti-Communism in the early 1950's. While David Caute's *The Great Fear* does not quite meet all of these criteria, it comes close.

The Great Fear purports to be a comprehensive account of anti-Communist internal-security policies in the period from 1945 to 1960. Drawing on manuscript sources, interviews, and secondary works, David Caute provides a great deal of information on congressional investigating committees, the FBI informer system, judicial decisions, the federal loyalty program of 1947 and the Attorney General's list, state anti-subversive laws, the deportation of aliens, passport policy, and attempts to identify Communists in trade unions, universities, schools, journalism, and show business. Although much of this information is familiar, there is an undeniable value in bringing together in summary form the principal facts about internal-security policies, and for such limited purposes a book like Caute's could prove useful as a reference. Yet *The Great Fear* is offered not as a compendium but as a serious history of the problem, and judged in this light it is very seriously flawed.

Caute's thesis is simple enough: the great fear of Communism in America led to a great purge—and a purge not mainly of Communists, but of fellow-travelers, radicals, and "dissenters." To the official and unofficial administrators of the purge, disagreement with government policy was subversive and un-American, and dissenting opinions were to be ruthlessly suppressed. As a consequence, a staggering number of people in and out of government suffered wrongs and injustices. Citizens were fired or denied employment because of their political beliefs; radical aliens were deported and artists and scientists denied entry into the United States; radicals and liberals were vilified, driven out of organizations, smeared as disloyal, and sometimes physically assaulted.

Caute states at the outset that the anti-Communist purge in the United States was different from purges which have occurred in European countries. In France, Italy, and Germany it was blood that flowed, in the United States it was mainly tears. Yet after rendering this obeisance to common sense, Caute goes on to describe the injustices and wrongs done in the name of anti-Communism as though they *were* every bit as bad as what goes on in totalitarian countries. The metaphor of tears rapidly gives way to the metaphor of blood. Thus, he writes of the provision for detention included in the Internal Security Act of 1950 that it promised "a feast of blood" to divert "the cannibal's appetite." The execution of the Rosenbergs "covered a whole nation with blood." Pressure groups like the American Legion were foremost among those "baying for blood." As just this small sample alone demonstrates, Caute's style in *The Great Fear* is shrill and tendentious, a defect that is made all the more grave by his tasteless attempts at cleverness (reworking a famous Latin line, "Nothing human is alien to me," Caute says of the head of the immigration service that his motto could have been: "Nothing alien is human to me").

But it is not just Caute's style that is tendentious. His entire picture of the period is so overdrawn as to border on the perniciously false. The failures of the book range from concrete misreadings of law to a historically naive view of the Soviet Union and a willful misconstruing of the nature of anti-Communism in this country.

CAUTE, to begin with, has an inadequate understanding of the history of civil liberties in the United States and the laws governing their exercise. He says, for example, that the Smith Act of 1940 departed from the honored tradition of punishing only actions rather than words, but in fact no such tradition existed in internal-security matters at the time the Smith Act was passed. Rather, something very close to the older bad-tendency test —that is, whether speech or writing had a tendency to threaten subversion of the government—still applied in those days, although references to "clear and present danger" obscured the matter. Again, Caute states that the Supreme Court failed to protect the right to work regardless of political belief; yet there was no such right in constitutional law, which regarded government employment as a privilege rather than a right. Similarly, he

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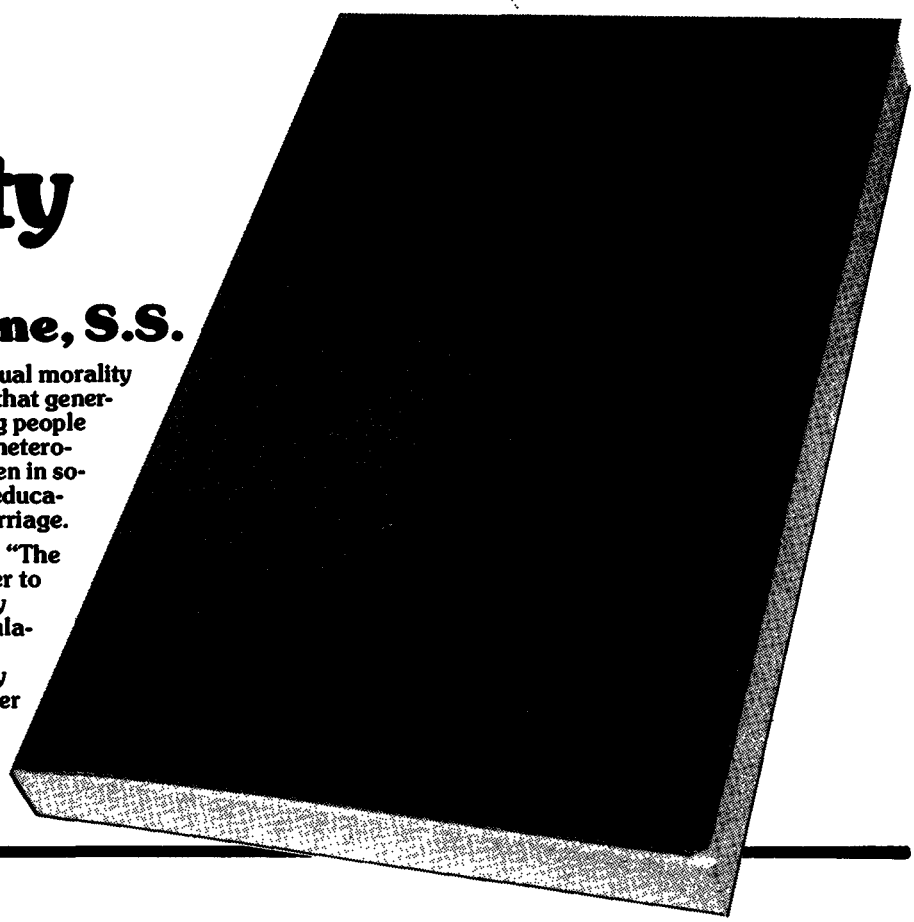

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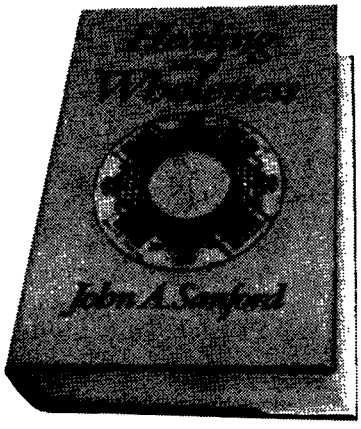

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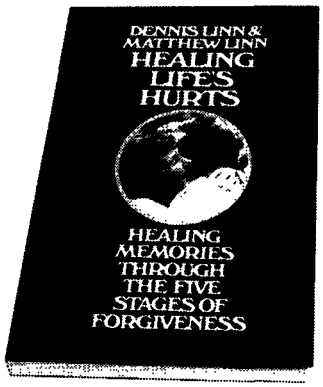

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condemns the loyalty program of 1947 as beyond the law, ignoring the ways in which it introduced elements of due process and procedural safeguards not found in earlier security policies.

Further misunderstandings abound. Disregarding the fact that congressional investigations and administrative actions are by definition not judicial in nature, Caute criticizes internal-security officials for not adhering to the standards of due process required in a courtroom. In condemning government by exposure, he also fails to consider that the American constitutional system gives broad latitude to legislative fact-finding—a latitude that liberal committees had used in the 1930's to attack business leaders—and that the unusual nature of Communist political activity may have made what Earl Latham has called "prescriptive publicity" at least a plausible technique.

These smaller misunderstandings and errors evolve into larger distortions. So jaundiced, indeed, is Caute's view of cold-war America that he is at a loss to explain any judicial or administrative decisions that *protected* the rights of radicals or Communists. When an anti-Communist operative is charged with breaking and entering the home of a Communist, Caute remarks: "Unaccountably, he was actually convicted in court. . . ." When a radical secures employment at the United Nations despite previous suspicion of Communism, Caute describes it as "one of those lapses still possible in 1947. . . ." If a radical is permitted to read his statement to the House Committee on Un-American Activities, it is by a "quirk of fate."

Caute implies that once the kinks were ironed out, no one accused of being a Communist could secure justice. Yet his own evidence disproves this preposterous notion. He spends seven pages explaining how one Gustave Duran, a sometime employee in the State Department, struggled as though "haunted by the curse of Sisyphus" to clear himself of Communist charges. Yet Duran was at length cleared. Caute calls the result "astonishing," for he cannot believe that American officials acted fairly in any dealings with suspected Communists. Similarly, he notes at one point that 40 per cent of the decisions in cases of suspected disloyalty in private industry went against the grievant, but he does not seem to recognize what this means, namely, that 60 per cent of the time the radicals were vindicated. And so forth and so on.

ON THE question of who caused the cold war, Caute says he will not take sides. In fact, however, he pins the blame squarely on the United States. Describing American foreign policy after World War II, he states that Americans generally and American liberals in particular sought to impose a "Pax Americana" on the world. By 1945, Caute asserts, a cultural and moral imperialism was well established, on the

ARAB EDUCATION IN ISRAEL

by Sami Khalil Mar'i

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by Harry R. Strack

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basis of which the United States tried to "offer" itself as a model for the future of world civilization. In seeking this goal, the United States was unwilling to tolerate any challenge, such as that presented by the Soviet Union through its very existence. The result was the cold war, which by plain implication would never have occurred but for America's liberal imperialism.

As for the Soviet Union, Caute is reticent on the subject of Russian intentions and does not mention Stalinism. Only twice does he refer to Stalin himself in any substantive way, once to say that he was "intractable" and a second time to advance a curious and odious interpretation of Stalin as a hypocrite.

If Caute all but ignores the Soviet Union's role in the cold war, he cannot overlook the Communist party of the United States. Yet his view of the party is so uncritical and so unhistorical as to make his account almost worthless. We are given familiar facts about the party, such as that its membership was very small and subject to heavy turnover, that only 29 per cent of the party were industrial workers, and that a large proportion of Communists lived in the area of New York City. With regard to Communist political strategy, Caute argues that although the party repudiated the Popular Front and resumed a Marxist-Leninist position in 1945, it did not entertain or endorse any unrealistic revolutionary schemes. While he concedes that one could not know what the attitude and actions of American Communists would be in the event of war, he is certain that no real danger existed because no contingency plans have ever been uncovered to sabotage American industrial centers!

The Communist party of the United States was merely "a flea on the dog's back," Caute writes, and the government used a sledgehammer to kill it. One need not subscribe to exaggerated fears about the danger of Communist subversion to reject this assessment. In fact, as Joseph Starobin points out in his history of the American CP, the party was not swimming against the tide from 1945 to 1950, it was swimming in turbulent wa-

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ters. With a modest amount of historical imagination it is possible to see how, in the context created by events such as the Soviet domination of Eastern Europe, Russian success in achieving atomic power, and the discovery of Soviet spies in the West, Americans in the early 1950's could have reached the conclusion that a Communist problem existed and that the party and its sympathizers bore watching. Caute says the government simply smashed the party, but it is worth pondering Starobin's judgment that the Communist party, rather than being the victim of political and legal measures aimed at isolating it, destroyed itself through its ideological bondage to the Soviet Union and the world Communist movement.

NAIVE in his view of American Communists and fellow-travelers, Caute displays mean-spirited cynicism and disdain in his view of the social classes and groups that supported anti-Communist measures. In explaining the causes of the great purge he begins with the paradox that a nation of immigrants feared and was intolerant of immigrants: it was the foreign background of many Americans which impelled them toward an exaggerated patriotism.

Anti-Communism, in Caute's view, was also rooted in the anxieties of the petite bourgeoisie, who at once resented Eastern, Ivy League style and privilege and feared encroachment from the lower classes. Middle-class America, further, identified Americanism with free-enterprise capitalism, and in the years following World War II looked with alarm on the kind of socialization that was occurring in Great Britain. Caute recognizes that Soviet repression in Eastern Europe gave certain ethnic and religious groups a legitimate reason to be anti-Communist, but to him this fact is of minor importance. In essence, Caute sees anti-Communism as an irrational, socially pathological movement. Bourgeois anxieties and fears created a need for scapegoats—hence anti-Communism, and hence the expedient politicians who capitalized on popular fears and relentlessly pursued the Communist issue in an attempt to gain power.

If Caute in these pages does not quite explain away Communism as a reality, he does manage to suggest that it existed almost solely in the mind of its opponents. And when it comes to those opponents, Caute's historical understanding is once again seriously flawed. It is certainly relevant to note, as he does, the fragmented, heterogeneous nature of American society and the tendency toward strident nationalism that continuous immigration encouraged. The important point, however, is that in this centrifugal, bewilderingly diverse society, lacking the usual sources of national unity such as religion, culture, immemorial custom, or history, Americans tended to identify themselves with reference to political ideas and institutions: government by consent, local self-determination, equal citizenship, an open and free social order. Since the sense of America as a nation depended on these ideas, it was reasonable for people to be concerned about political and social movements that repudiated or undermined them; it was reasonable, in other words, peculiar as the notion may seem to us, to be concerned about "un-American" ideas, especially when, as in the case of the Communist party, proponents of those ideas sought to implement them by conspiratorial and totalitarian means.

WE COME finally to Caute's interpretation of McCarthyism. If the Soviet Union shows up only on the margins of his revisionist canvas, and American Communism is but a tiny element involved in only a passive way, Senator McCarthy all but disappears from the frame. Caute's description of McCarthy himself is conventional enough: a crude and exploitative politician who traded on the public's irrational fears and fed the plebeian appetite for summary justice. But if McCarthy's

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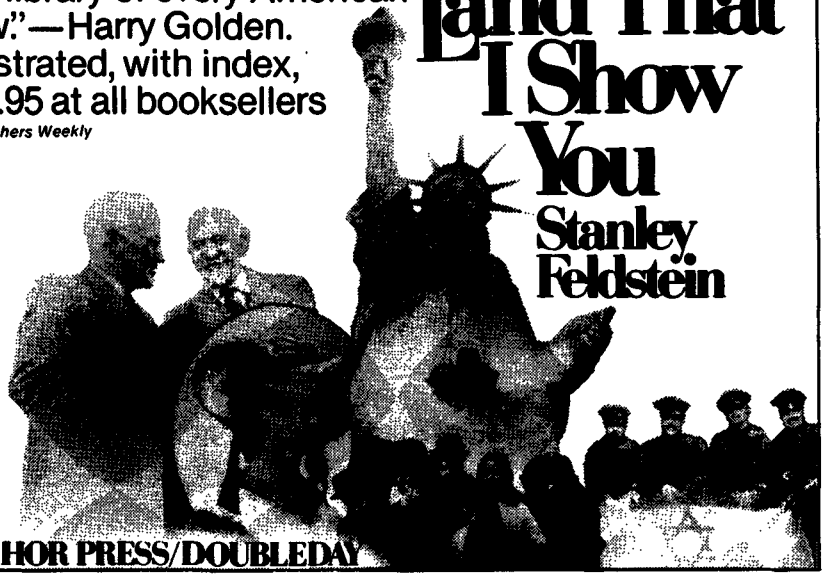

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style was primitive, the purpose and methods of his anti-Communism were, for Caute, the same as those of the liberal anti-Communists who began the purge under Truman. McCarthy's only "mistake," Caute writes, was to take anti-Communism to such an extreme that he threatened to discredit the entire effort. Having turned their own weapon against the liberal anti-Communists, he had to be stopped. We should in fact be grateful to McCarthy, Caute argues, because his "objective historical role" was a healthy one; he showed that liberty is indivisible.

This interpretation, treating McCarthy as an unimportant figure, and blurring the distinction between liberal anti-Communism and McCarthyism, amounts to nothing less than sheer blindness to the plain meaning of the documentary record. American opinion from 1945 to 1950 was not swept up in anti-Communist hysteria. A legitimate Communist problem existed in American government, and the Truman administration tried to deal with it in a way that respected individual civil liberties. (Even the radical-tending American Friends Service Committee acknowledged that the loyalty program of 1947 had the narrowly defined objective of preventing espionage and sabotage.) The revelations that then emerged from the Hiss and Rosenberg cases, in conjunction with the Communist revolution in China, the Soviet explosion of an atomic bomb, and the Korean war, stirred a deep apprehension in the American public and in turn created a situation in which McCarthy's kind of anti-Communism could find widespread support. The essence of McCarthyism, however, lay not in the coarse and primitive energy that animated McCarthy's attacks, but rather in his willingness to use any means to achieve his ends, his tendency toward a spirit of lawlessness. By his refusal to be bound by the normal rules of political behavior and civility, McCarthy threatened constitutional democracy.

The reason Caute—and other cold-war revisionists—have relegated McCarthy to a kind of benign insignificance in the anti-Communist movement is not far to seek: their hatred of liberalism requires that they blame liberals for the cold war and its attendant evils. Yet the historical record shows that while the meaning of McCarthyism was a subject of great controversy in the early 1950's, no one at the time—including the radicals from whom revisionist historians draw inspiration—doubted its significance in promoting virulent anti-Communist sentiment, and none saw McCarthy as a mere epigone. Some radicals interpreted McCarthyism as a fascist reaction, others regarded it as a platform for attacking liberal reform. In conservative eyes, McCarthy was to be appreciated for spearheading the effort to enforce a national consensus that excluded Communism. In the center were anti-Communist liberals, who viewed McCarthyism as an irresponsible form of anti-Communism that threatened the maintenance of a democratic order.

WHAT policy ought the government to have adopted toward the Communists? Generally speaking there were two positions on this question. Some held that Communists had the right to take whatever political views and say whatever they pleased, no matter how disagreeable or antithetical to democratic theory and practice. Others denied that Communists, or the supporters of any totalitarian movement, possessed any such constitutional right. They reasoned that the government must uphold the fundamental ends and purposes of the constitutional order; that not all ends and purposes are legitimate, especially those that anticipate the destruction of constitutional democracy; and that the means used to promote the principles of American government should not be treated as absolutes to be maintained even at peril to those principles. In this view, Communist political activity might, under certain circumstances, be tolerated, but Communists could not be said to have a *right* to pursue their purposes under the protection of the Constitution.

With each side accusing the other of heresy, the conflict between these two positions aroused

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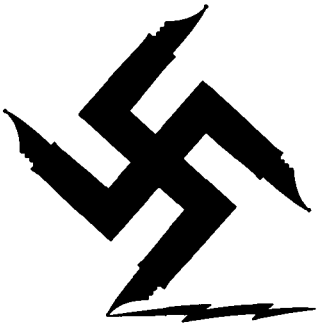

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profound hostility. The reason it did so was that at the bottom of the controversy lay the question of the nature and tendency of American institutions, and hence of American nationality. Radicals argued that specific civil liberties such as freedom of speech constituted the essence of American nationality. Anti-Communist liberals and conservatives, in contrast, regarded commitment to the substantive end or principle of a free society as the basis of the American national idea.

Public policy during the cold war mediated between these two positions. Through formal statutes and administrative procedures, as well as through social sanctions, Communists and fellow-travelers were proscribed and ostracized because they repudiated the national consensus on which a free society rested. At the same time, some procedural safeguards were extended to suspected Communists on a prudential, expedient basis. In other cases, however, public policy went further toward endorsing the idea that Communists had constitutionally protected rights like any other group of dissenting or nonconformist individuals, and that only when a clear and present danger existed as a result of Communist activity could the government restrict Communists in their political actions. While this approach was relied on less frequently than the method of *de facto* proscription, it was more important in the long run because it was written into constitutional law (in the *Dennis* and *Yates* cases).

As A popularization of the revisionist historical outlook, *The Great Fear* joins several other recent works dealing with Communism—Lillian Hellman's *Scoundrel Time*, Jessica Mitford's *A Fine Old Conflict*, Vivian Gornick's *The Romance of American Communism*—in an effort at what might be called the establishment of innocence by association. By arguing that American Communists were the innocent victims of a great purge, Caute helps to promote the idea that the main source of danger in the political world of that time —and by extension, in our own time as well—was not those who served Moscow but those who served Washington.

What the consequences of the revisionist outlook may be in the formation of our own political ideas today remains an open question, although the attraction of a new isolationism and the cordial acceptance of Eurocommunism among the Left and liberal intellectuals may provide a clue. Seen in this particular light, *The Great Fear*, with the egregious failure of historical imagination that it displays in its uncritical treatment of the Soviet Union and American Communism, and in its willful conflation of liberal anti-Communism and McCarthyism, is not only a flawed but a politically pernicious work.

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Suburban Kitsch

RACHEL, THE RABBI'S WIFE. By SILVIA TENNENBAUM. *Morrow. 395 pp. $9.95.*

Reviewed by RUTH R. WISSE

I BELIEVE it was Gypsy Rose Lee who said, "You gotta get a gimmick if you wanna get ahead." The story of the frustrated housewife whose personal and professional development is being thwarted by an unfeeling husband and an unfashionable suburb has become a tiresome cliché. But apparently with a twist the formula remains workable. A middle-class frustrated *rabbi's* wife whose personal and professional development is being thwarted, etc., is still good for a lucrative turn.

Rachel, the rabbi's wife, heroine of this first novel by Silvia Tennenbaum, resents the demands made upon her as a *rebbetsin* of her husband's community in Gateshead,

RUTH R. WISSE *teaches Yiddish literature at McGill University in Montreal and is the author of* The Schlemiel as Modern Hero *and* A Shtetl and Other Yiddish Novellas.

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Long Island, particularly as they interfere with her artistic inclination. She goes to New York City to look at art, has an abbreviated affair with a former lover who taught her art, and finally rents a room and produces art. Coincidentally, her husband becomes increasingly unpopular with his flock, enjoys a hearty affair with one of his congregational supporters, and loses his job. In a final paragraph the couple is reconciled, the *rebbetsin* looks forward to her first show, and the rabbi to a new job with a "Jewish cultural foundation." Readers should note that this is not a parody of the book but a précis.

In general the writing runs strongly to platitude and stereotype, with some fine moments of unintentional humor. Here is Rachel studying the face of Truscott Boothby, the local Episcopal priest:

> The handsome, craggy features contained no trace of Jewish *angst*. Even without his collar he would have appeared out of place. He looked innocent. He looked simple. Among the gross and vulgar Jews in that room he was an anachronism.

Does Boothby represent an earlier phase of Christian purity, or did the author mean that he is an anomaly? Is Jewish *angst* as distinguishable as the "curly Jewish hair" and the "circumcised Jewish prick" that appear elsewhere in this book? Is it the *angst* that makes the Jews in the room "gross and vulgar" or are their grossness and vulgarity the cause of their *angst*?

The sensitive heroine's point of view is meant to expose the crude consumerism and selfishness of Long Island suburbia, in particular of its Jews. Rachel suffers through the predictably crass bar mitzvah and country-club wedding, through sisterhood meetings at which no one is interested in Kafka, art shows that are mere occasions for fund raising, a convention of salesmen—or is it rabbis? The role of a rabbi's wife is presented as paradigmatic of woman's fate, making functional demands without recognizing the "real person" beneath. Subjected by the author to a succession of uniformly distasteful Jewish events, the *rebbetsin* broods, dons purple stockings as a sign of her defiant inner rebellion, or says things like "shit," "old fart," and "fuck," to express her moral and intellectual outrage.

Unfortunately, whether as rabbi's wife or would-be artist, Rachel is herself a Dictionary of Accepted Ideas and a mirror image of the crudity she rejects. By a simple inversion of prejudices, she concludes that the owners of Lincoln Continentals are inferior to the owners of Plymouths. She is "proud" to be excluded by the rich and socially prominent, but finds it "painful" to be an outcast among the interesting people of Wellfleet—writers, painters, and intellectuals, "an elite you admired." Color TV is a confirmation of moral decay, while support for a day-care center is proof of enlarged social conscience. A genuine provincial snob, Rachel wears her pseudo-artistic and pseudo-liberal biases with such smashing conviction that she might have been used (on the model of *Emma*) as the heroine who is brought to a measure of humbling self-awareness. But for all her invocation of Jane Austen's "scalpel," Mrs. Tennenbaum fully shares her heroine's perspective; far from being a Jewish Jane Austen, she is a Jewish Emma, offering up her uninformed judgments and unexamined passions as worthy social criticism. The result is a novel at least as vulgar as the community it purports to describe.

"Shit! They want me for the *minyan*. Federbush has *Yahrzeit*," says Seymour the rabbi to his Rachel. Since it is easier to pick out bar-mitzvah gifts by the dozen, Rachel the rabbi's wife "always kept a single face in mind when she bought that season's supply" (usually the face of a child named Spencer Gewirtz who Rachel suspects will grow up to be gay). Occasionally there is a wedding, important for Seymour to attend because "my contract is coming up

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for renewal." "I'll send a book," says the rabbi's wife on one such occasion. *"The History of Post-Impressionism."* "Don't be funny, Rachel. They barely read," answers the rabbi. "They can look at the pictures then," says Rachel.

It is hard to know what the author or her heroine considers a valid basis for this silly sense of superiority. Certainly the standard is not Judaism itself, which appears in the book as an outmoded set of rites. Nor can the standard be the modern religion of self-realization through art, of which Rachel imagines herself a leading devotee. At the very least, the religion of art demands of its postulants a strenuous regimen of self-questioning, a strong intelligence, and an undeviating commitment to the values of high culture; poor Rachel, however, is a complacent self-accepter, not especially bright, and in her tastes and aesthetic judgments a relentless middlebrow. Perhaps, then, ridiculous as it sounds, the standard is baseball? The sport, in fact, plays a major role in this novel, not unlike the role it plays in Chaim Potok's *The Chosen,* offering subtle assurance of the all-American credentials of the characters despite their Jewish trappings. Here, however, the comparison is invidious. Readers are treated to a big-league baseball game at which Rachel observes: "Every stance and every gesture was timed-honored [*sic*], like the steps of a ritual dance. It was absolutely necessary, in watching the game of baseball, to be on intimate terms with it. Only intimacy prevented moments such as these from being dull." This, from a heroine who candidly admits that she has never even bothered to learn the grace after meals. *Rachel, the Rabbi's Wife* may be the first American Jewish novel to expose Judaism to the noble standards of baseball and find it wanting.

The book's single remarkable feature is the reception it has had at the hands of some reviewers who are apparently prepared to treat with high dignity anything that baits the Jews. It has been likened to the writings of Philip Roth—a comparison that may be, in Roth's long martyrdom at the hands of some of his critics, the unkindest cut of all. Roth's satire, informed by real wit and artistic intelligence, often hits the mark, but this book, though it sets out to indict contemporary Jewish life, does a job on itself alone. In the years since World War II, American Jewish writing has at last traversed the whole road from avant-garde to kitsch; that so blatant an example of the latter can still find critics to praise it only proves that some people have never learned to tell the difference.

Mission to Havana

PERSONA NON GRATA: AN ENVOY IN CASTRO'S CUBA. By JORGE EDWARDS. Translated by COLIN HARDING. *Pomerica Press. 275 pp. $8.95.*

Reviewed by MARK FALCOFF

SHORTLY after his election in September 1970, President Salvador Allende announced—to the surprise of nobody—that Chile would resume the diplomatic relations broken with Cuba ten years before. To reopen the Havana embassy and act as chargé d'affaires, he dispatched a young career diplomat named Jorge Edwards, who had been the political counselor of the Chilean embassy in Lima. It was understood that Edwards's mission was purely temporary; he would be replaced in a matter of weeks by an "important Chilean political personality" whose name would soon be submitted. For his part, Edwards was assured that once his duties in Cuba were concluded, he would be sent to a coveted post in Paris, to act as chief of staff to Ambassador Pablo Neruda. Edwards arrived in Havana in December 1970, and, his mission completed, departed for Europe in March 1971. This book is the story of those fourteen weeks.

On the face of it, these facts do not seem to hold out much in the way of literary possibilities. Indeed,

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had President Allende chosen someone else for the job, the mission would probably not have yielded up much of interest. Yet the man selected for it has produced an impressive literary work and a major document—one of the most important political testaments ever written by a Latin American. Edwards's book is the story of one intellectual's disillusionment with a socialist regime—and this is not just any intellectual or any regime, but a left-wing Latin American writer and that holy of holies, the Cuban revolution. In both style and substance, *Persona Non Grata* deserves comparison with Milovan Djilas's *Conversations with Stalin* and Arthur Koestler's *Darkness at Noon*. If it fails quite to reach the level of either as political analysis, it might well surpass both as an act of intellectual courage. After all, when Djilas and Koestler broke with the Soviet dispensation, they could fall back to the well-established ramparts of European social democracy; when a Latin American literary intellectual publicly breaks with the Cuban regime, there remains for him nothing but Outer Darkness.

MUCH of the interest which this book holds for us arises out of certain personal facts about the author himself and the context in which his mission took place. What commended Edwards to President Allende was the fact that he was one of the very few career diplomats to be publicly identified with both the Cuban revolution and the cause of Chilean socialism. From the Cuban point of view, however, he was not so satisfactory a choice. True, he had been a contributor to the literary magazine produced by the Cuban state publishing house, and he had visited Cuba in 1968 to serve on a literary-prize jury. He had also continued his relations by mail with many of the Cuban writers he had met at that time. But by 1970—this was apparently not known to Allende—Edwards's Cuban friends (notably the writers José Norberto Fuentes and Herberto Padilla) had fallen into disgrace, and this made *their* friends, both domestic and foreign, the objects of severe suspicion.

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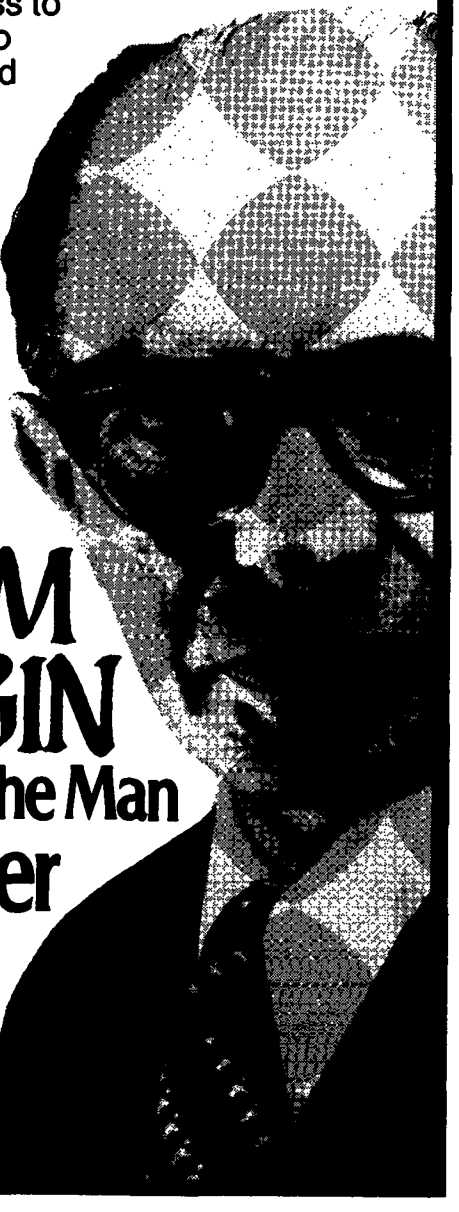

MENAHEM BEGIN
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Nor was Edwards's social background particularly reassuring to the Cubans. A poor connection of an enormously wealthy, conservative Chilean family, the young socialist diplomat happened to be the nephew of his country's last ambassador to Havana, a *bon vivant* millionaire who was well remembered on the island. President Allende was apparently ignorant of this fact as well, and it was only as a personal favor to him, Castro eventually told Edwards, that the appointment was approved.

The political context in which the mission took place was hardly less dramatic. On the one hand, Edwards represented a government which the Cuban leaders—with their rigid adherence to a guerrilla metaphysic—had insisted for years could never come to power. On the other, he arrived in Cuba at the very moment when the Castro regime, to which his own government should presumably be deferring in matters of revolutionary judgment, was entering its dog days. The campaign to produce ten million tons of sugar had ended in failure, and the bill had long since fallen due for Ché Guevara's lyric excesses as Minister of Industries. Signs of economic deterioration were omnipresent and unmistakable.

Perhaps even more significant was the drastic shift in what might be called the country's moral tone and mood. When Edwards had visited Cuba on a purely literary mission back in 1968, it was still possible (he now writes) to perceive lingering traces of that revolutionary gaiety and spontaneity which had so charmed and disarmed foreign visitors. Now, in the wake of economic failure, the population was demoralized and the regime was in a nasty, vindictive mood, thrashing out in all directions at scapegoats. Favored targets included foreign experts, particularly those whose counsels (spurned by Castro) had proved correct, and Cuban intellectuals, particularly poets and creative writers. At the same time, Edwards stumbled upon what Trotsky would have called a "bureaucratic Thermidor"; that is, while the same familiar figures continued to lead the revolution from the principal command posts, in the shadows behind them there had grown up an invisible army of careerist functionaries into whose hands much of the real power within the state had increasingly devolved. It was with such men—not with Castro or his foreign minister, Raúl Roa—that Edwards had to conduct the bulk of his business. In the process, he learned considerably more about the Cuban revolution than he would have if his personal and political favor had been sufficient to grant him greater access to the men at the top.

WHAT kind of place did Edwards find Castro's Cuba to be? If one were to draw up a scenario for the ideal fascist state, it is difficult to imagine how the Cuban revolution could improve upon it. The principal motifs would include a lifetime dictator to whom was granted the sole right to have a sense of humor. An economic system characterized by absenteeism, disorganization, and decay, punctuated at long stretches by Potemkin villages for the delectation of visiting foreign innocents. Anti-vagrancy laws and forced labor. An omnipresent secret police, with microphones everywhere. People afraid to trust even their best friends. Categories of guilt and innocence unrelated to facts. Above all, a vicious and pervasive anti-intellectualism. "We in Cuba do not need critics," the rector of the University of Havana intoned to Edwards. "It is very easy to criticize. Anything can be criticized. The difficult thing is to carry out a job of work, build a country. That is what we need; people who can get things done and can build a society." This statement, which would not seem out of place in Pavelic's Croatia or Antonescu's Rumania, or—why not say it?—Hitler's Germany, probably comes close to synopsizing Edwards's entire Cuban experience.

As distressed as the young diplomat was over this state of affairs, he did not quite see, at the beginning, how it all related to him personally. Since he had had no experience with totalitarian states, he was not yet attuned to reading the thousands of tiny signs which explained his precise standing with the regime and the direction in which his political fortunes were tending. At first he did not think much about the fact that he had inexplicable difficulties obtaining a proper automobile, or that his efforts to locate a house for the Chilean embassy chancellery were continually (and mysteriously) aborted. Nor did he see anything to worry about in his private social meetings with Cuban writers, even though he knew that many of his friends were out of favor with the regime. Coming from Chile, which was essentially a 19th-century liberal-bourgeois state, Edwards was reluctant to believe that in Cuba there remained no areas of life which were not, perforce, political.

IN TIME, Edwards was compelled to admit to himself that he was constantly being followed, and that his every conversation was being monitored, either electronically or through informers. Eventually he pieced together the reason for the Cuban government's unhappiness with his appointment. When he had served as a judge in the 1968 literary competition, he had rather too forcefully taken the part of a Cuban contestant whose work was objectionable to the one Cuban member of the jury. From this single fact, which Edwards failed to realize was based on something other than a difference in literary opinion, the regime had proceeded to draw up an entire bill of indictment against him. But in true totalitarian fashion, it was not to be presented until the right moment—whenever that might be. In the meantime, he was forced to live, along with his writer friends, who were in much the same dilemma, in a kind of emotional pressure cooker. For weeks he watched his Cuban colleagues move slowly but ineluctably toward insanity; one of them went so far as to carry his book manuscript around with him at all times for fear that it might be taken away. For his part, Edwards developed chronic insomnia and mysterious pains in his chest and upper arms, akin to the first symptoms of a heart attack. His stay in Havana began to make him think of "Kafka's novels; I was caught up in the mechanisms of a

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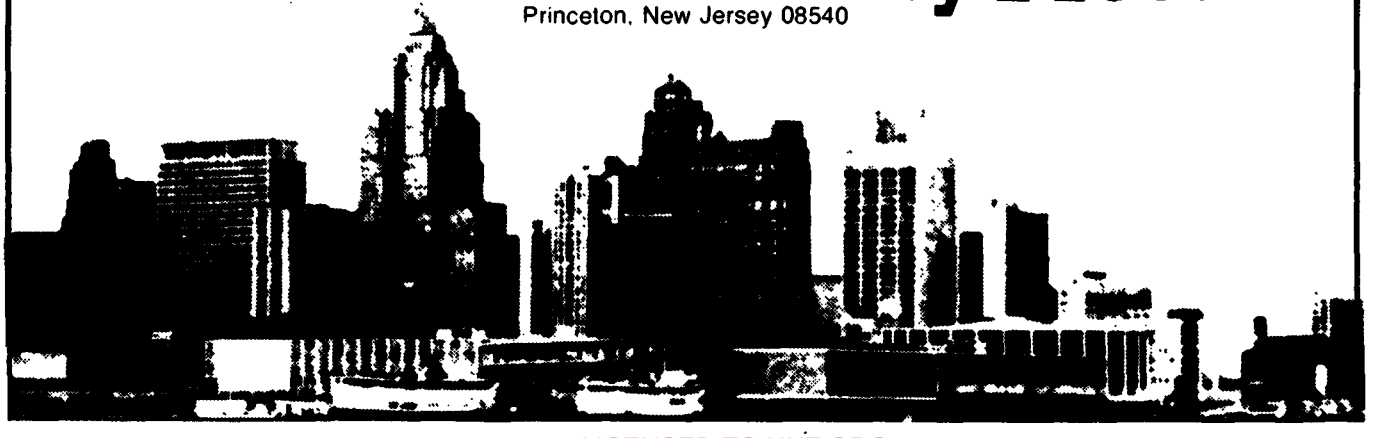

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trial in which my guilt had already been decided, without my suspecting it, by an invisible and unknown authority."

THIS pathological mood is broken midway in the book by the arrival of the Chilean schoolship *Esmeralda*, which was docking in Havana mid-point in its annual cruise. Apart from placing Edwards once again in contact with a normal psychological environment, the visit of the *Esmeralda* taught him some important political lessons. The Chilean naval officers, conservatives whose values he had never before appreciated, turned out to be good-humored, realistic, and surprisingly open-minded. By contrast, their Cuban hosts, particularly Fidel Castro (whom Edwards now observed at close range for the first time), showed themselves to be provincial, ignorant, and fatuous. While the naval officers represented a hierarchy of rank and privilege which, in the context of a seagoing vessel, made sense, Castro's authority was revealed to rest upon a sinister combination of personal charisma and fear.

The visit was equally instructive for his Chilean compatriots. The introduction of the enlisted men to the socialist paradise of the Caribbean had been expected to yield politically edifying results which would presumably redound to the benefit of Allende's regime in Chile. Instead, the opposite occurred. The poverty and tawdriness of Havana left the sailors "thunderstruck and overwhelmed," Edwards reports, "as though in Cuba they had stumbled upon a grim future that they thought must inevitably be in store for Chile." As for the officers, on the final night of the visit one of them conceded to Edwards that far-reaching social and economic changes in Latin America were long overdue; he even welcomed some of them. "But not all of this!" he exclaimed. "This for me is unbearable." Summoning up his final reserves of socialist conviction, Edwards replied, "We are taking a different road." "Don't you believe it!" the officer shot back. "You don't know. You left Chile in the early days and you don't know."

SHORTLY after the departure of the *Esmeralda*, Edwards was advised that his replacement had obtained approval and would soon arrive. At the same time, he learned through different channels that his reports to the Chilean Foreign Ministry on the economic and political situation in Cuba had been leaked to Castro, who was, to say the least, acutely displeased. And then, the evening before his departure, Edwards was unexpectedly brought into Castro's presence and subjected to one of the dictator's bullying tirades. While Foreign Minister Roa and President Osvaldo Dórticos cowered in a corner of the room, the Cuban premier read Edwards his full bill of indictment as a counterrevolutionary.

Far from recanting and conceding his errors, however, Edwards coolly defended his position as an independent left-wing intellectual, and pointed out to Castro that many of the regime's failures were due not to counterrevolutionary activities but to the suppression of open discussion and debate. At first Castro was visibly annoyed by the backtalk, but then (with his childlike love of novelty) he became intrigued by Edwards's intellectual courage, the likes of which he was not precisely accustomed to encountering in such situations. Yet although Edwards spent more than an hour offering meaty arguments in favor of the "de-Stalinization" of Cuba, at the end the only thing about their discussion which really impressed Castro—by his own admission—was Edwards's calmness in a trying situation.

Lacking diplomatic passports, Edwards's Cuban friends fared less well at their own inquisition. Some weeks after his departure, he read in the French press that a half-dozen of them spent an entire evening publicly confessing their crimes and errors, an exercise in self-abasement in which the name

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of their departed Chilean friend also figured. The Cuban government, unwilling to let the matter rest, next tried (unsuccessfully) to persuade the Chilean Foreign Office to drop Edwards from the diplomatic list.

DURING Edwards's stay in Cuba one of his friends there warned him against the well-documented tendency of foreign visitors to view the revolution in an increasingly benevolent light once separated from it by time and space. Though apparently conscious of this pitfall, Edwards has only partly avoided it. He writes that even today he is still "far from believing that the situation in Cuba is even remotely comparable to the terrible Stalin years" in the Soviet Union. It is doubtful that anyone reading his narrative could offer so generous an appraisal. Those differences that do exist do not so much point to any virtue in the Cuban regime as illustrate the full enormity of the Soviet model upon which it is based.

To some degree, I think that Edwards's mellowed view must be read in the context of events in his own country after September 1973: he appears to have become somewhat "re-radicalized" by the military coup in Chile and its aftermath, the causes of which he does not fully understand. This is not really surprising, since he spent the entire Allende period far from his country, and he knows of it only what exiles and friends have told him.

Persona Non Grata ends on a note of socialist reaffirmation, in which its author anticipates the triumph of humane values both in Chile, which he likens to Franco Spain, and Cuba, so reminiscent of Stalinist Russia. These comparisons are perhaps more apt than even their maker intends. For if the experience of recent history is any guide, Edwards will be able to return to his native Chile far sooner than he will be able to speak his mind freely in Havana. If this is not clear to him now, it may yet become so; meanwhile, *Persona Non Grata* is a warning clearly posted for those capable of reading it.

In Charge

HIMSELF! THE LIFE AND TIMES OF RICHARD J. DALEY. By EUGENE KENNEDY. *Viking. 288 pp. $10.95.*

Reviewed by SETH CROPSEY

"HIMSELF" is an old Gaelic term of affection and respect for the leader, and a fine title for Eugene Kennedy's biography of Richard J. Daley. The author teaches psychology at Loyola University in Chicago, and despite the fact that political life must have been a new venture for him—his twenty-six published works include such titles as *If You Really Knew Me, Would You Still Like Me?* and *Living With Everyday Problems*—*Himself* is a well-written, enjoyable, and instructive book. It succeeds where other biographical ac-

SETH CROPSEY *is on the staff of* Fortune.

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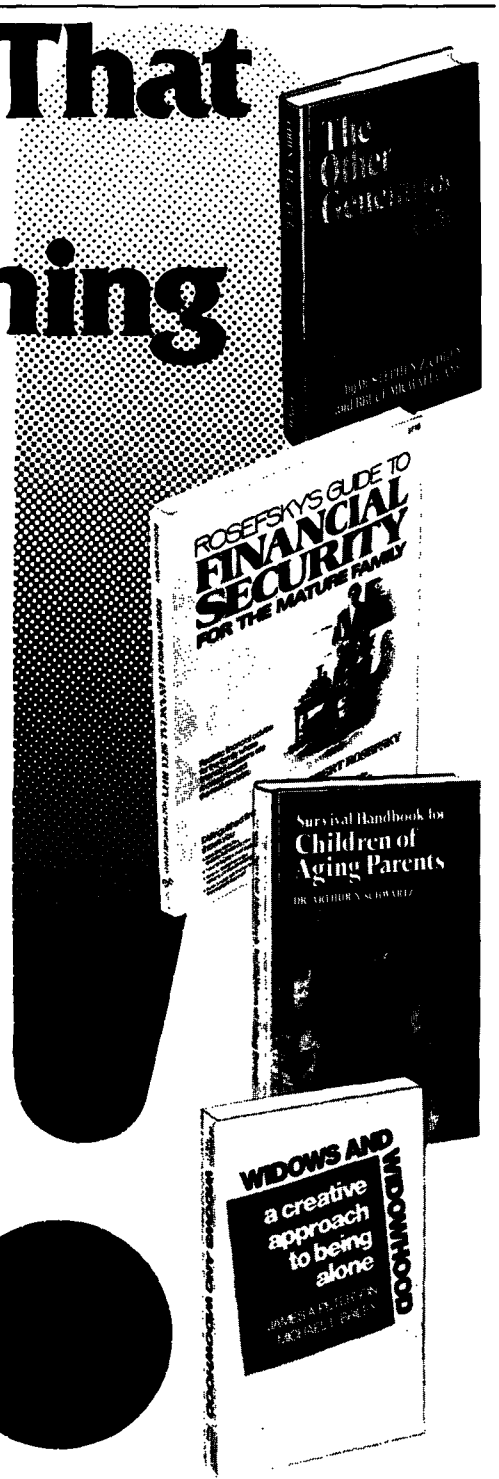
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counts of Daley tried weakly and failed or did not try at all: namely, in bringing the jowled mayor to life. Not even Mike Royko's well-known book, *Boss*, did this. Royko poked fun at Daley's famous malapropisms and pictured him as an iron-mouthed beast foraging among everyone else's political rights. This caused some laughs and much satisfaction among Daley's enemies, but shed little understanding on an unusual man and an extraordinary politician. Kennedy, by contrast, examines Daley's success, an unexciting success but one that tells a great deal about the organization which made it possible and about the tradition and family which produced a man like Daley.

DALEY came from a working-class Irish neighborhood on the South Side of Chicago. His father was a second-generation Irishman employed in the Sheet Metal Workers' Union; his mother, a bright woman with practical instincts and a sense of humor who had marched for women's rights. Daley grew up, says Kennedy, "in a house that was not boisterous, in an atmosphere of order and quiet contentment, in just the place to learn your lessons, do your chores, and receive the approval that a boy deserved." The Church, too, offered approval to its obedient followers, and Daley, who was an altar boy, remained a practicing Catholic until he died. Kennedy calls Daley's habituation to the virtues of his upbringing "obsessive," and this judgment rings true against the self-controlled perseverance and attention to detail which Daley exhibited all his life. He was, at least, scrupulous in obeying what he learned as a boy—to work hard and honor the Church and family.

Daley was also ambitious—a gift more natural than acquired, although Kennedy finds a mother's guiding hand in the shadows. "I didn't raise my son to be a policeman," she is supposed to have said on learning that he would run for Cook County sheriff. Daley, however, knew what he wanted and that was to be mayor. He moved toward that goal undistracted by dreams of national office or the venal temptations of local politics. Kennedy insists that to understand him, we

> must appreciate the steady apprenticeship of his political career and how his fascination with and achievement of power were linked at every step with his capacity for bureaucratic activity. His great political power was built on his own personal power to live the minor city and state politician's life and to wait . . . for the moment to strike.

In simpler terms, he was one tough grind.

He began in politics at the bottom—as a worker for the local Democratic club. A few years later he became a precinct captain. For a careful observer this is still the best way to learn about everyday politics. Precinct work is the basis of a city political party, and in a well-functioning organization, precinct captains are the front-line officers of a command chain that leads up to the mayor. This forward line exposure ended for Daley in 1923, when Joe McDonough, the alderman in Daley's ward, got him a job as city council clerk. The post was a step up and into a place to watch the machinery of city government—the political organization of Mayor Anton Cermak which was an early model for Daley's own. Then in 1930, when McDonough became county treasurer, Daley moved with him as secretary.

ALL these experiences of apprenticeship proved useful in the gathering and maintenance of power—except one, the experience of personal graft. Responsible commentators agree that Daley did not touch it himself, and Kennedy adds that Daley was personally revolted by the corruption he knew perfectly well others engaged in. He clung to what he had been taught to honor, embracing family life on the South Side as a refuge against the Loop's "smoking pits of lust and greed."

Six more years of this service, and fortune smiled. The old state representative for Daley's district died two weeks before election day. Daley drummed up a write-in campaign and got himself elected. Before leaving for Springfield, he was also made chief deputy controller of Cook County, a post he executed alongside his legislative one in the state capital. This was an excellent chance to continue learning about city patronage, a chance to see exactly who was on the payroll and why. As Kennedy says, it was "like being let loose in the War Room of General Headquarters." Another local politician died soon after, and Daley quickly took his place as state senator. He remained in Springfield ten years, all told, and earned a reputation as a capable, if not exceptional, legislator.

Gradually, the long climb up the Democratic organization's rungs began to quicken. Governor Adlai Stevenson chose Daley as revenue director in his new administration. Two years later, the Cook County clerk died and Daley was appointed to serve out his term. He went on to win the office, emerging powerfully against the tide of defeat which swept over local Democrats when a Senate committee on organized crime held its hearings in Chicago. Another stroke of luck—his rival for chairman of the Cook County Democratic Central Committee perished in a car accident—and Daley became head of the party in Chicago.

At this point there was no more dutiful waiting for vacancies. Mayor Martin Kennelly appeared briefly in front of Daley's slate-making committee and was left hanging in the wind for several days while union leaders lanced his record. The plans for dealing with Kennelly showed Daley's characteristic meticulousness, and they succeeded—Daley received the party's endorsement. Though Kennelly fought back, Daley beat him by 100,000 votes, 99,000 of which were cast in wards directly controlled by the organization. The rest of the story is already well-documented. Daley won election six times. He presided over a period of unequaled growth in the city's history as well as some pretty grim times.

IN THE end, however, what one thinks of Daley rests on what one thinks of the way he ran the city. He *kept* it running, as Chicagoans do not tire of observing, and this is nothing small, as New Yorkers now

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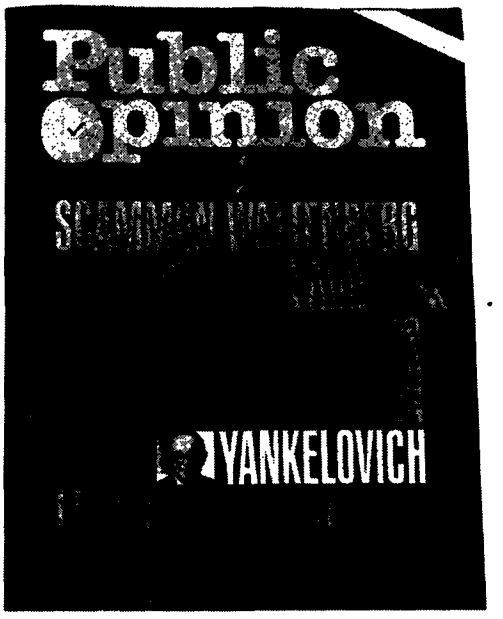

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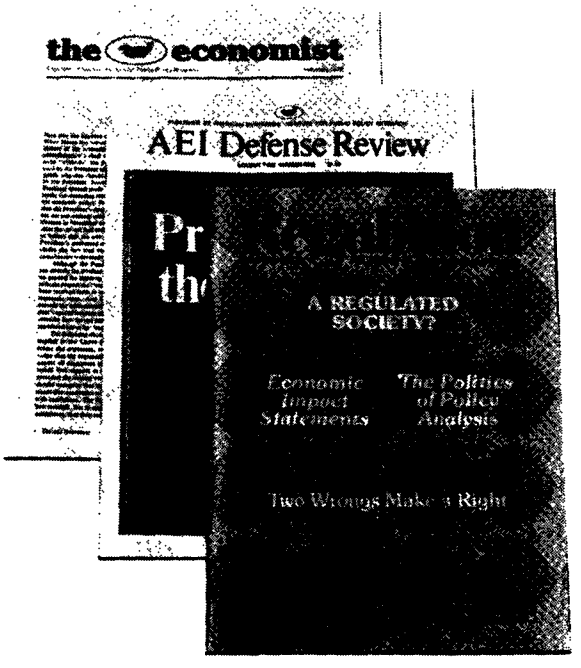

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attest. Kennedy says that when in New York, Daley would state, "I get the feelin' that nobody's in charge here." Daley was very much in charge in Chicago. But the power he wielded was orderly and rooted in an institution—the Democratic party. It existed before Daley and has continued after him. It was not the personal fabrication of a despot, as many have tried to suggest.

Kennedy's book demonstrates this, and it also demonstrates the virtues of that organization as they were reflected in the virtues of the man who did so well by it. Everything it demanded, he supplied: loyalty, patience, attention to the tedious details. What separated Daley from the rest was his ability to use the power which the institution generated and ultimately delivered up as a reward to its most diligent wooer. The system he inherited gave him the patronage and favors needed to get votes. He, in turn, was a master at distributing these gifts so that the city's many ethnic groups were, if not happy, then quiet.

THE manipulator of a patronage system has the advantage of being able to fire those he has hired. Thus, people jump when they are called and what needs doing can be done swiftly. Daley understood, as Kennedy says, "that voters were more concerned about street lights, street repair, and garbage collection than they were about politicians who discussed issues that were not of such immediate interest to them." Indirectly, that is what Daley's apprenticeship taught him. Ideological issues divide; they were shunned by Daley the way a smart child avoids a hot stove. His training aimed at one object—an understanding of the patronage system in Cook County—and when he came to power, he concentrated on the things which could be done with that instrument, from repairing streets to keeping Chicago relatively calm and its business healthy. That was his virtue and the virtue of the system he flourished in. It is not a grand vision, but American cities do not need a grand vision. What they need is to work.

Regulating Competition

THE ANTITRUST PARADOX: A POLICY AT WAR WITH ITSELF. By ROBERT H. BORK. *Basic Books. 462 pp. $18.00.*

Reviewed by SUZANNE WEAVER

THE antitrust laws were passed and began to be enforced at a time when Americans were going through one of their bouts of especially intense criticism of the nation's business structure and practice. The tide of antagonism ebbed after a while, leaving on the beach a doctrine and enforcement mechanism that have operated since then in an atmosphere of increasing specialization and enduring obscurity. Every so often, in one of those recurring moments of national excitement on the subject, someone steps up to decry the corruption of an antitrust system that cannot seem to perform the self-evidently necessary job of breaking up General Motors or Big Oil or the cornflakes cartel or whatever happens to be the currently fashionable target of the political agenda. But antitrust is too complex and too tedious a subject to hold the public spotlight for very long.

In *The Antitrust Paradox,* Robert H. Bork, former Solicitor General of the United States and now professor of law at Yale, argues that while public attention has waxed and (mostly) waned, antitrust itself has not been languishing. On the contrary, it has been growing in its hospitable shade like a slightly poisonous variety of mushroom. Bork believes that the Sherman Act, the original and fundamental source of antitrust's statutory authority, was passed for a necessary and coherent public purpose: to maximize the economic welfare of American consumers. But over the years, he asserts, the courts—and the enforcement authorities and even defense lawyers who depend on the courts' judgments—have interpreted the antitrust laws to sanction a much

SUZANNE WEAVER *is an editorial writer for the* Wall Street Journal *and the author of* Decision to Prosecute: Organization and Public Policy in the Antitrust Division *(MIT Press).*

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vaguer, broader set of prohibitions against various business practices. His book, which comprehensively examines the history of antitrust doctrine, offers at the same time a revealing analysis of how one group of this nation's professional classes tends to reason about the economy and, more broadly, the public interest.

It is not simply that the courts have made the antitrust laws "stricter" than the framers intended them to be; rather, the interpreters have actually succeeded in bringing about the exact opposite of what Congress had in mind. Senator John Sherman clearly wanted to enhance the efficiency of our economic arrangements by putting an end to the artificial restriction of output that occurs when a monopolist gets control of a line of commerce and discovers that he can make more by producing less. It was this kind of output restriction, Sherman realized, which brought about unnecessarily high prices for consumers, and it is this which the Sherman Act was framed to prohibit. But over the course of time, the courts have built up a body of antitrust law which has increasingly impeded the efficiency that John Sherman sought.

The Sherman Act prohibited "every contract, combination, . . . or conspiracy, in restraint of trade or commerce" and further declared it illegal to "monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of . . . trade or commerce." Early judicial decisions, Bork says, showed a proper understanding of what these terms meant. Most important, Judge William Howard Taft, in the *Addyston Pipe & Steel* decision of 1898, outlined a standard of judgment that might have proved eminently useful to succeeding generations. Taft used the example of two men forming a partnership —an activity that might well eliminate some competition between the two of them—to explain why not every such reduction in rivalry should be judged to be "in restraint of trade" in the Sherman Act's meaning of the term. Certain kinds of economic integration, Taft thought, increase the welfare of the community; we should therefore allow as much elimination of competition as serves to make the integration more efficient. But this sort of reasoning about antitrust was soon compromised by the introduction of other standards into the case law. It began to be said that we should declare an unlawful injury to competition wherever we see certain business practices that do harm to individual competitors, and that we should do so even in a situation where there is no obvious threat to the competitive process that comes from the existence of very large market shares or from monopolistic intent.

THIS leap of faith—from the idea of efficiency to the idea that we should judge the health of the competitive process by looking to the health of individual competitors —was not only misguided but actually perverse, according to Bork. Competition is always a process in which rivals try to hurt each other. If the competition is promoting efficiency—that is, working well for the population as a whole—it may indeed destroy rivals who are relatively inefficient. By systematically slighting this elementary point, antitrust judges and prosecutors have often produced the opposite of what antitrust policy was meant to do. By protecting the inefficient competitor, they have done harm to competition. Bork shows that this kind of economic perversity has operated in the treatment of one business practice after another. For instance, the law has been consistently and increasingly stern in prohibiting trading arrangements such as tie-ins—in which a seller of, say, salt-dispensing machines makes his customers buy salt from him as well. Antitrust doctrine assumes that the seller is using his market power in one product to get similar power in another. Yet most such arrangements, as Bork makes clear, occur in situations where the seller really has

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#40, Winter '78: A Major Study:

Gershom Scholem: Towards A Mastermyth

by Henry Pachter

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no monoply power that he can transfer in this way. To prohibit such arrangements is to rule out those functions which tie-ins can perform to enhance efficiency and consumer welfare. In the same way, the courts' prohibitions of other practices can be shown to be exactly wrongheaded when measured by a comprehensive standard of efficiency.

Perhaps most important, the law has been pernicious and intellectually shoddy when it comes to the issue of mergers and of the levels of concentration that should be thought safe for the competitive process. Bork points out that the theories commonly used to justify attacks on concentrated industries are simply without internal plausibility or empirical support. And our general merger policy is even worse, since it often bars the increased efficiency a merger might bring even when the market shares involved could not possibly pose a real threat to the existence of significant competition in any line of commerce; even under prevailing oligopoly theories.

DOES Bork, then, wish to do away with antitrust law? No. Instead, what he wants is to reform the standards by which it is applied, and to direct it against those sorts of actions—price fixing, horizontal mergers that create very large market shares, and deliberately predatory behavior—which make little or no redeeming contribution to efficiency. In some cases, this redirection would involve an increase rather than a decrease in enforcement activity. And in one case in particular—namely, the predatory misuse of the government—it would call for a substantial rise in antitrust energy: Bork reminds us that both the courts and administrative and regulatory agencies have been the objects of manipulation by businessmen trying to get rid of inconvenient rivals.

But perhaps more important than these recommendations themselves is what Bork has seen about the fundamental nature of the doctrine that courts and enforcement agencies have framed. It is a body of thought that almost from the beginning has found it somehow impossible to comprehend the idea of a market, to deal with competition as a process whose imperatives—whose rights and wrongs—are essentially different from the imperatives suggested simply by the suffering of a small businessman or the prosperity of a large corporation. The law has quite massively and systematically imposed upon its concern with competition a set of goals and prejudices about size and personal power that are in fact quite foreign to the logic of competition in its economic sense.

BORK'S argument is compelling enough to form much more than a treatise of concern only to the specialist. We have here an object lesson in the capacities and incapacities of this country to make and carry out social policies which demand something more sophisticated than an appeal to popular instincts or fashionable opinion. The lesson that the history of antitrust teaches in this regard is hardly encouraging; in fact, it may be bleaker than Bork indicates. Bork tells us that our original antitrust policy was well conceived, no matter how far it has strayed, and clearly he believes that courts and lawyers can be brought back to a better understanding of antitrust through rational arguments like the ones he makes. Perhaps so. But when one reads the speeches of John Sherman, with their imagery of struggle over political and personal power, it really comes as no surprise to find current antitrust doctrine so confused about where economic power ends and personal power begins. And when one looks at the enforcement mechanism Sherman established, manned by prosecutors advocating their cases before federal judges, it becomes hard to imagine a more effective way than this of turning enforcers into partisans.

ANTITRUST has often enough been described as a peculiarly American institution, but the policy may reflect the American character most clearly in the confusion of goals that has surrounded it for so long; and the way its adversary enforcement system works makes it unlikely that the confusion will ever be cleared up. One hopes that Bork's work will have influence, but it is difficult to entertain expectations of any very radical change.

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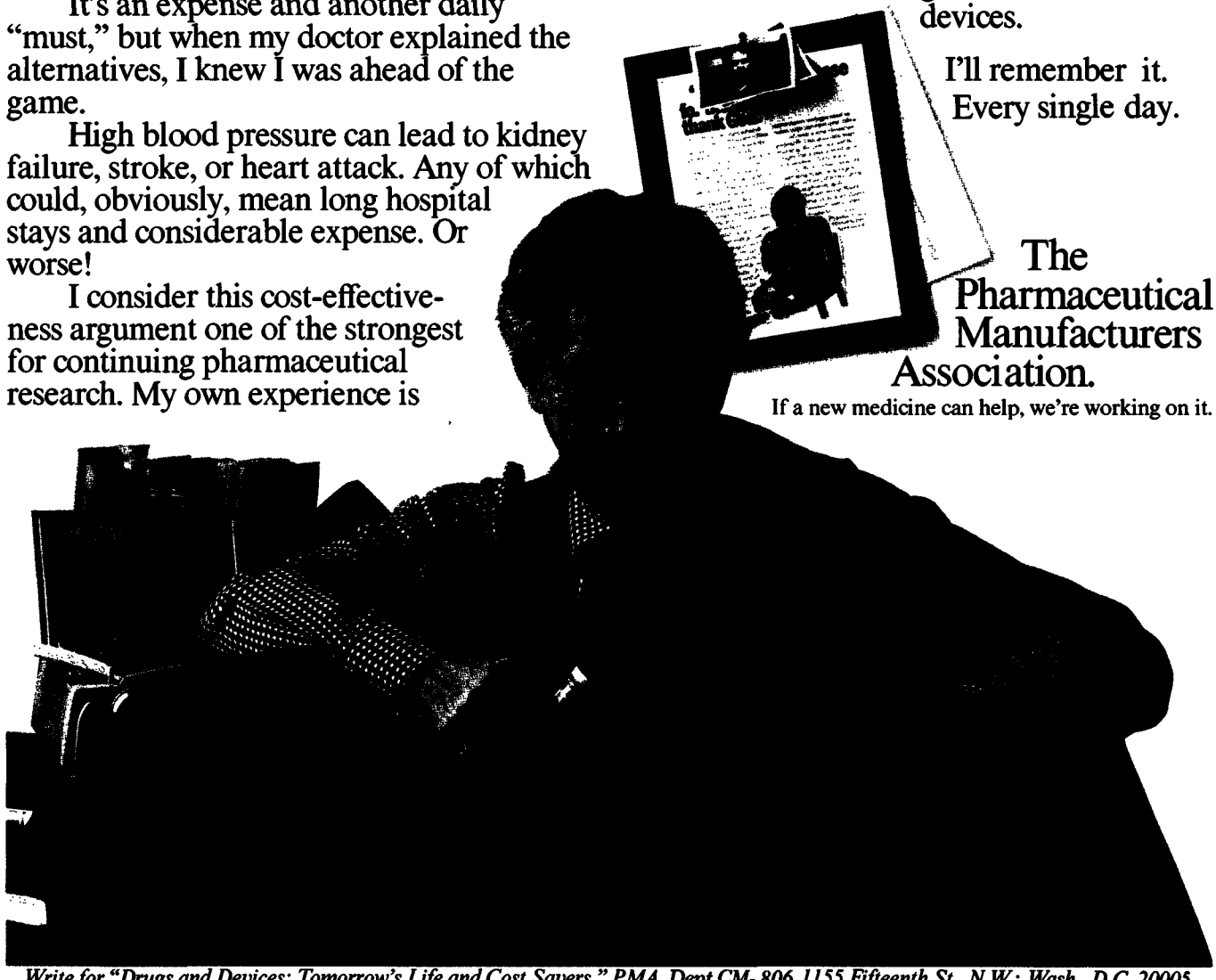

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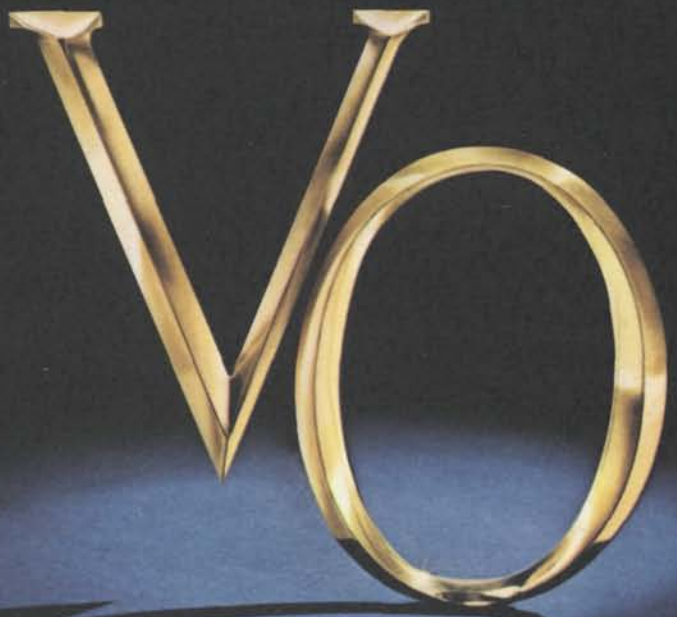

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